



## Saint Paul Planning Commission

City Hall Conference Center Room 40  
15 Kellogg Boulevard West

Christopher B. Coleman,  
Mayor

### Steering Committee Meeting – 8:00 a.m., Room 41

#### Agenda

Saint Paul  
Planning Commission

March 22, 2013  
8:30 – 11:00 a.m.

#### Chair

Barbara A. Wencil

#### First Vice Chair

Elizabeth Reveal

#### Second Vice Chair

Paula Merrigan

#### Secretary

Daniel Ward II

**I. Approval of minutes of February 22<sup>nd</sup> and March 8, 2013.**

**II. Chair's Announcements**

**III. Planning Director's Announcements**

**IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. (*Tom Beach, 651/266-9086*)

**NEW BUSINESS**

#13-149-246 Capitol Lien/Anthony Magnotta – Extension of existing determination of similar use/conditional use permit for vertical wind turbines in the B3 general business district. 1010 Dale Street North between Lawson and Hutch.  
(*Kate Reilly, 651/266-6618*)

#13-149-241 Capitol Lien/Anthony Magnotta – Determination of similar use for vertical wind turbine with hybrid light fixture (wind and solar powered) in the B3 general business district. (*Kate Reilly, 651/266-6618*)

**V. Neighborhood Planning Committee**

District 9 Area Plan Amendments – Recommendation to release draft amendments for public review and set public hearing for May 3, 2013. (*Lucy Thompson, 651/266-6578*)

**VI. Comprehensive Planning Committee and Transportation Committee**

Rating of Capital Improvement Budget Proposals for Consistency with the Comprehensive Plan – Approve resolution to transmit to CIB Committee.  
(*Hilary Holmes, 651/266-6612*)

**VII. Transportation Committee**

**VIII. Communications Committee**

Pat Connolly  
Daniel Edgerton  
Gene Gelgelu  
William Lindeke  
Kyle Makarios  
Gaius Nelson  
Rebecca Noecker  
Christopher Ochs  
Trevor Oliver  
Julie Perrus  
Marilyn Porter  
Betsy Reveal  
Tony Schertler  
Emily Shively  
Robert Spaulding  
Terri Thao  
Jun-Li Wang  
David Wickiser

Planning Director  
Donna Drummond

**IX. Task Force/Liaison Reports**

**X. Old Business**

**XI. New Business**

**XII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &  
Heritage Preservation Commission**  
MASTER MEETING CALENDAR

**WEEK OF MARCH 18-22, 2013**

**Mon (18)**

**Tues (19)**

**3:30- Comprehensive Planning Committee**  
**5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)**

**HAS BEEN CANCELLED**

**Weds (20)**

**Thurs (21)**

**Fri (22)**

**8:00 a.m. Planning Commission Steering Committee**  
*(Donna Drummond, 651/266-6556)*

**Room 41 City Hall**  
Conference Center  
15 Kellogg Blvd.

**8:30- Planning Commission Meeting**  
**11:00 a.m. (Donna Drummond, 651/266-6556)**

**Room 40 City Hall**  
Conference Center  
15 Kellogg Blvd.

**Zoning..... SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

**NEW BUSINESS**

#13-149-246 Capitol Lien/Anthony Magnotta – Extension of existing determination of similar use/conditional use permit for vertical wind turbines in the B3 general business District. 1010 Dale Street North between Lawson and Hutch.  
*(Kate Reilly, 651/266-6618)*

#13-149-241 Capitol Lien/Anthony Magnotta – Determination of similar use for vertical wind turbine with hybrid light fixture (wind and solar powered) in the B3 general business district. *(Kate Reilly, 651/266-6618)*

**Neighborhood Planning**

**Committee.....** District 9 Area Plan Amendments - Recommendation to release draft amendments for public review and set public hearing for May 3, 2013. *(Lucy Thompson, 651/266-6578)*

***Comprehensive Planning  
Committee and***

***Transportation Committee.....*** Rating of Capital Improvement Budget Proposals for Consistency with the Comprehensive Plan - Approve resolution to transmit to CIB Committee.  
*(Hilary Holmes, 651/266-6612)*

Butler\planning commission\calendars\March 18-22, 2013



**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes February 22, 2013**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, February 22, 2013, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. Noecker, Perrus, Porter, Reveal, Shively, Wang; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, Oliver, Schertler, and Spaulding.

**Commissioners Absent:** Mmes. \*Merrigan, \*Thao, \*Wencl, and Messrs. \*Connolly, \*Ward, and \*Wickiser.

\*Excused

**Also Present:** Donna Drummond, Planning Director; Patricia James, Kate Reilly, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes February 8, 2013.**

**MOTION:** *Commissioner Nelson moved approval of the minutes of February 8, 2013. Commissioner Gelgelu seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Commissioner Reveal, the Commission's First Vice Chair, chaired the meeting and she had no announcements.

**III. Planning Director's Announcements**

Donna Drummond reported the City Council approved a resolution asking the Planning Commission to do a study of commercial breweries. As part of that the City Council forwarded a change to the zoning code that they would like to potentially implement now. Under state law the Council can refer a recommended amendment to the Planning Commission and the Planning Commission has 60 days to provide a recommendation. The Council wants to allow small breweries to have tap rooms, so that amendment will be going to the Neighborhood Committee at its next meeting. There will then be a larger zoning study to look at the regulations of breweries overall and whether or not changes need to be made.

Commissioner Lindeke asked if the brewery zoning change is different or the same as the Minneapolis one.

Patricia James, PED staff, said that the amendment would bring Saint Paul closer to what Minneapolis does. Our code is now more restrictive; the main difference is that tap rooms cannot

now be located in a business or traditional neighborhood district, and there are a number of people interested in opening up small breweries in these districts and being able to have a tap room. This amendment would remove that restriction. Minneapolis has set up their regulations differently, and one reason for the bigger study is to look at other communities' regulations to see how Saint Paul compares.

#### **IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

Three items to come before the Site Plan Review Committee on Tuesday, February 26, 2013.

- Twin City Refuse, pave existing gravel storage yard with asphalt at 318 Water Street West.
- Gerdau Caster Building Addition, building addition for new equipment at 1678 Red Rock Road.
- BNSF Dayton's Bluff Car Storage Lot, seven acre expansion of existing storage lot for new cars at 90 Fish Hatchery Road.

#### **NEW BUSINESS**

#13-144-945 Raymond Condos/Lakes & Plains LLC – Rezoning from RM2 Medium-Density Multiple-Family Residential and VP Vehicular Parking to T2 Traditional Neighborhood. 842-858 Raymond Avenue & 2330 Long, NW corner at Bradford & Raymond.  
*(Patricia James, 651/266-6639)*

**MOTION:** *Commissioner Nelson moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, February 28, 2013.

#### **V. Neighborhood Planning Committee**

Highland Village Special District Sign Plan – Approve resolution recommending adoption of Highland Village Special District Sign Plan by the Mayor and City Council.  
*(Kate Reilly, 651/266-6618)*

Kate Reilly, PED staff, said that amendments were made to the Highland Village Special District Sign Plan through a task force process. The task force consisted of Highland Business Association and Highland District Council representatives. The principal changes to the code are related to organization of the code, to make it more like the zoning code as a whole. There is also a reduction in allowable sign sizes on buildings in Highland Village. The task force also chose to ban dynamic display signs, except the portion of gas price display signs that are dynamic. A new map was distributed which shows the Highland Village Special District Sign Plan area on a typical zoning panel, which is more in line with how overlay districts are depicted.

Commissioner Perrus asked how many non-conforming signs this creates in this district.

Ms. Reilly replied that she does not have an exact number and that it is very complicated to measure signs, but she believes that it creates about half dozen non-conforming signs.

Commissioner Lindeke asked why is it so complicated to measure signs?

Ms. Reilly said because they are high up and not everyone still has the sign plans from when they were installed. But she can go back through the sign permits and get that information before it goes to City Council as it still has to go through a City Council approval process.

**MOTION:** *Commissioner Oliver moved on behalf of the Neighborhood Planning Committee to recommend approval of the resolution and forward to the Mayor and City Council for adoption of the Highland Village Special District Sign Plan. The motion carried unanimously on a voice vote.*

Commissioner Oliver announced the items on the agenda for the next Neighborhood Committee meeting on Wednesday, February 27, 2013.

**VI. Central Corridor Design Center Update** – Informational presentation by Tim Griffin, Director of Urban Design, Saint Paul Riverfront Corporation.

Tim Griffin, Director of Urban Design gave an informational presentation about the work of the Saint Paul Design Center. He provided information about the Design Center and how it came to be established. The Design Center includes staff from the Saint Paul Riverfront Corp. and various City departments. A two-sided sheet and a pamphlet were distributed, with information about the 2012 work plan. About 60-70% of the Design Center's work is occurring now on Central Corridor. Mr. Griffin also talked about Saint Paul's 2013 urban design priorities which include the West Side Flats Master Plan, Great River Passage Plan, Complete Streets, Shepard Road, and private project design review. One of the Design Center's major jobs is to connect the dots on the various projects that are happening.

Commissioner Porter asked what was involved in construction monitoring and post occupancy evaluation?

Mr. Griffin referred her to a description of these activities in the pamphlet/brochure "Saint Paul Private Project Design Review Process" which was handed out.

Commissioner Lindeke asked about the differences between design and planning?

Mr. Griffin thinks they're similar but design looks more at the spatial, three-dimensional aspects of projects.

Commissioner Schertler talked about the proposed development at the Sears site, which isn't receiving any public financing. They engage an architect and apply for site plan review. The City must review and respond to the application within 60 days. Where in that timeline is the Design Center engaged and who is the client?

Mr. Griffin said that their client is the Mayor and the City. They offer this as a service to developers. He then spoke more about the Sears project and process.

Donna Drummond, Planning Director, added that the Design Center invites developers to come in early before they are ready for formal site plan review. There are probably over one hundred different ways that a project can meet the City's zoning code requirements. So the Design Center provides advice on how developers can design projects to meet the code requirements but also to meet the City's vision as expressed in its adopted plans and some of the community's aspirations as well. The Design Center is advertised as a service to help projects be more successful in the end and identify issues early on before they get to sit plan review. It's been seen as a service to developers who are interested in doing a project that has a lot of community support in the end.

Commissioner Porter commented that the piece Mr. Griffin did not mention but which is very unique and sets the Design Center apart is its community engagement. Commissioner Porter has worked with the Design Center as it has engaged non-profit organizations like Model Cities and Aurora St. Anthony. They bring a level of sophistication to people who may not be as well versed in design, and they help them realize their visions.

Commissioner Perrus asked if the intent was to eventually codify the design review process or design requirements. There are a lot of requirements that developers must meet now. This service is great but she would be concerned if it resulted in more zoning requirements for new development.

Mr. Griffin said there is no plan for that, however, if public financing is involved the projects are required to go through the Design Center process. He cited the Sears project as an example of sophisticated developers who expect to have these types of conversations early on so they don't make initial mistakes that cost money to change later on.

Commissioner Reveal said that she has been involved in a huge number of public projects where this did not happen and for the developer and the public entity it's a disaster. This is very much what you want to do and you don't want to codify it and get it so restrictive and so narrow that there is not an incentive for the brainstorming at the front end.

Commissioner Lindeke asked what the difference would be in the types of things the Design Center would discuss versus what the Planning Commission would discuss in a site plan review, as City staff is involved in both processes.

Mr. Griffin said it's really a point of timing, having early discussions when there is more flexibility in major changes to the project.

Commissioner Reveal thinks its both timing and content because there is a certain kind of discussion that would be inappropriate for the City to have with a developer during the planning stages. Since the City is a regulatory body it can't engage in the kinds of discussions that the Design Center can.

Commissioner Noecker asked if all projects no matter what size get an invitation to work with the design center.

Mr. Griffin said one thing they have gotten better at in the last few years is identifying projects

earlier on. Donna Drummond, as planning director, works with PED project managers and Tom Beach, Department of Safety and Inspections to identify projects early when conversations and inquiries are first being made.

Commissioner Noecker asked about the number of projects that come in for voluntary review.

Mr. Griffin said that on Central Corridor and downtown they are close to 100% in terms of projects that have come forward.

Commissioner Schertler noted that this activity goes beyond what is required to administer the Code and requires significant City staff time and should be based on priorities as established in the Comprehensive Plan.

Mr. Griffin said it's an organic process and each City department has to decide to add it to their priority list.

Ms. Drummond added that the Riverfront Corporation Design Center started out focusing on downtown and the riverfront. As Central Corridor started to heat up the City asked the Design Center to be more involved in the design of public infrastructure and private development. Recently the Design Center activity has broadened to include projects citywide that may have some significance. But this activity is limited by staff capacity and the Design Center's capacity and resources. So the City cannot offer this to every site plan that goes through the City approval process because there aren't the resources to do that. Most site plans do not need that level of attention but for the bigger projects it's beneficial.

Commissioner Porter said that planning commissioners can also advocate for the Design Center's work. A good example is the Old Home project where the Aurora St. Anthony Neighborhood Development Corp. wasn't aware of this resource and she suggested to NDC staff that they work with the Design Center. It has been a good working relationship.

## **VII. Comprehensive Planning Committee**

Commissioner Reveal announced that at their last meeting they looked at a resolution to study auto body shops, which will be at the next Planning Commission meeting.

## **VIII. Transportation Committee**

Commissioner Spaulding announced that there were two items on the agenda as the last meeting, which were the Wheelock Parkway Bridge replacement and Saint Paul Street Car Feasibility Study. The initial phase of the study is complete, which narrowed the list of potential corridors that will go on for more detailed analysis.

Commissioner Spaulding also announced the items on the agenda for the next Transportation Committee meeting on Monday, February 25, 2013.

## **IX. Communications Committee**

None.

**X. Task Force/Liaison Reports**

Commissioner Reveal said that the first meeting of the West Side Side Flats Master Plan task force was the previous night. They had a big turn out. Information and materials from their meetings along with the meeting schedule will be on the website soon.

**XI. Old Business**

None.

**XII. New Business**

None.

**XIII. Adjournment**

Meeting adjourned at 9:43 a.m.

Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,



---

Donna Drummond  
Planning Director

Approved \_\_\_\_\_  
(Date)

---

Daniel Ward II  
Secretary of the Planning Commission

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes March 8, 2013**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, March 8, 2013, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. Noecker, Perrus, Reveal, Shively, Thao, Wang, Wencl; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, Schertler, Spaulding, and Wickiser.

**Commissioners Absent:** Mmes. \*Merrigan, \*Porter, and Messrs. \*Connolly, \*Oliver, \*Ward.  
\*Excused

**Also Present:** Donna Drummond, Planning Director; Allan Torstenson, Merritt Clapp-Smith, Josh Williams, Kate Reilly, Scott Tempel, Bill Dermody, Hilary Holmes, Christine Boulware, Rene Cohn, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes February 22, 2013.**

Chair Wencl announced that the minutes were not available at this time. However they will be ready for approval at the March 22, 2013 meeting.

**II. Chair's Announcements**

Chair Wencl had no announcements.

**III. Planning Director's Announcements**

Donna Drummond reported that the City Council held a lengthy public hearing on the 6th Street sidewalk widening project by Mears Park last Wednesday. The Council approved the project, which required making decisions about balancing travel modes in a limited right-of-way, as 6<sup>th</sup> Street is a prime street to be considered for bike lanes, street cars and pedestrian amenities.

**IV. PUBLIC HEARING: District 12 Plan Amendments for the Creative Enterprise Zone – Item from the Neighborhood Planning Committee. (Merritt Clapp-Smith, 651/266-6547)**

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the District 12 Plan Amendments for the Creative Enterprise Zone. Notice of the public hearing was published in the Legal Ledger on February 18, 2013, and was mailed to the citywide Early Notification System list and other interested parties.

Merritt Clapp-Smith, PED staff, had previously given a full presentation when the public hearing

was scheduled, so she gave a brief reminder that today's public hearing is about the proposed amendment to the District 12 St. Anthony Park Plan, which is an addendum to the Saint Paul Comprehensive Plan. It is a small amendment to the district plan proposing the addition of one core strategy -- identification of the Creative Enterprise Zone effort. As of today, no written testimony has been received.

Chair Wencl read the rules of procedure for the public hearing.

The following people spoke.

1. Amy Sparks, Executive Director of District 12 St. Anthony Park Community Council said this is an initiative that they have been working on for about three years. It started when a building that housed primarily artist studios was put on the market and some members of District 12 were concerned about maintaining the character of the neighborhood. They saw the kinds of uses in that building as contributing to the flavor and energy of the community, so a task force was created to see what could be done to retain such uses. They worked with a nationally known consultant to develop the Creative Enterprise Zone plan. Through the planning process they realized that there were not only artists in the community, but also videographers, architects, software designers and a variety of makers and businesses that they felt were a good fit for the St. Anthony Park area. Instead of naming it a 'cultural zone' or an 'artistic zone', they chose 'Creative Enterprise Zone', because that term better reflects the variety of uses there. They developed a strategy to do what they can to maintain the creative enterprises in their district, information of which can be seen on their new web site: [www.creativeenterprisezone.org](http://www.creativeenterprisezone.org).
2. Jon Schumacher, Executive Director of the St. Anthony Park Community Foundation stated that he has been involved in the Creative Enterprise Zone effort since the start. It has been a community wide initiative with support from all areas, as people recognize the strengths of this emerging neighborhood along University Avenue and consider how it will evolve as light rail becomes a huge player in the community's life. The neighborhood is important as the largest contiguous industrial zoned property in Saint Paul. Mr. Schumacher said that the Creative Enterprise Zone process has been about building community around the commercial enterprises and industries of the area and acknowledging the pride and value of that industrial base. Up to this point, there were unknown and silent creative enterprises, operating and providing jobs as they do best. He and others want to make sure that this area can build on its strengths and continue to bring together the kinds of funding that will advance their efforts. It is important to have the City's acknowledgement of the Creative Enterprise Zone and its importance, to help legitimize the efforts and send a message to potential funders to help them move into the future.
3. Catherine Day is volunteer chair of the action team that has been working on the creative enterprise zone and been involved in the community for 20 years. They would like this area to be known and recognized for what it has been all along -- an interesting intersection of transportation at its locus point in the center of the city and a place where they can become better known for the kinds of creativity and enterprise that have emerged there. Ms. Day thinks that not only is it a neighborhood vision, but it is an opportunity for the city and their community to better recognize and attract the kinds of jobs and creative people that innovate and create new jobs. This is about people organizing and caring about their community,



strengthening the economic enterprise and the tax base of the city, and helping people make a living by their creative capacities.

4. Jack Becker, Executive Director for Forecast Public Art, which is located near the corner of University and Raymond and has been around for 21 years. They outgrew their space a few years ago and did a 6 month search around the Twin Cities for a location to expand, finally realizing that they were in the best location for an arts organization that serves artists throughout the Twin Cities and Minnesota. They wanted to be in this zone because they've felt an affinity with the other arts organizations and the small press community that's there, and they've been supported by the city. However, they are concerned about the rents going up and about gentrification. Mr. Becker got involved with the group working on the creative enterprise zone in hopes of helping connect with the other arts organizations and creative industries in his community to send a message to the city that this is an important cultural ecosystem in the Twin Cities and in the state. With light rail transit coming, they fear that they might not be able to stick around and survive with businesses moving in and rents going up. Their goal is to be recognized and valued by the city. This would help validate what they're trying to do and build and to get the kind of support, policies and technical assistance that they need to stay, thrive and grow to keep building a creative enterprise zone in the twin cities.

**MOTION:** *Commissioner Spaulding moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, March 11, 2013 and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Noecker seconded the motion. The motion carried unanimously on a voice vote.*

## V. Zoning Committee

**SITE PLAN REVIEW** – List of current applications. (Tom Beach, 651/266-9086)

Two items came before the Site Plan Review Committee on Tuesday, March 5, 2013:

- St. Thomas University, replace existing turf field with artificial turf at NW corner of Cretin and Goodrich.
- Advance Auto Parts, new retail auto parts store at 1115 - 1125 Rice Street.

One item to come before the staff Site Plan Review Committee on Tuesday, March 12, 2013:

- Payne Maryland Community Center and Library at 1178 Payne Avenue (SE corner at Maryland), staff reviewed this plan in June 2012; there have been some revisions since then.

One item to come before the staff Site Plan Review Committee on Tuesday, March 19, 2013:

- Trillium Nature Sanctuary, new trail parking lot, restroom and restoration of Trout Brook stream channel at west of 35E between Maryland and Cayuga.

## NEW BUSINESS

#13-151-984 Meridian Behavioral Health – Conditional use permit for human service-licensed community residential facility for up to 20 residents. 1609 Jackson Street, west side at Timberlake Road. (Bill Dermody, 651/266-6617)

***MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to a condition. The motion carried unanimously on a voice vote.***

#13-152-470 Saint Paul HRA – Rezoning from B1 Local Business to T1 Traditional Neighborhood and RT1 Two-Family Residential. 719 Burr Street, SW corner of Minnehaha and Burr. (Kate Reilly, 651/266-6618)

Commissioner Ochs asked if it's appropriate to rezone one parcel at a time. Maybe it would be better to look at the entire block.

Donna Drummond, Planning Director, said that the City initiates zoning studies for larger areas when there are bigger issues to address. Typically rezoning applications by individual property owners just involve the individual property.

Commissioner Perrus noted that staff does an analysis on whether rezoning would constitute spot zoning and make sure that the rezoning is appropriate. These are all applicant driven so they have to approach them that way in general.

***MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.***

## **VI. Comprehensive Planning Committee**

Auto Body Text Amendments – Recommendation to release for public review and set public hearing for April 19, 2013. (Kate Reilly, 651/266-6618)

Commissioner Reveal announced that they needed to change the public hearing date from April 19, 2013 to May 3, 2013.

***MOTION: Commissioner Reveal moved on behalf of the Comprehensive Planning Committee to release the draft for public review and set a public hearing on May 3, 2013. The motion carried unanimously on a voice vote.***

Commissioner Reveal also announced that the committee reviewed the City's proposed (CIB) Capital Improvement Budget projects. The Planning Commissions task is to determine whether or not they conform with the Comprehensive Plan and the degree to which they conform. However, they will go to the Transportation Committee for their review before they come to the Planning Commission.

## **VII. Neighborhood Planning Committee**

Malt Liquor Production Amendments – Resolution recommending approval of the proposed amendments to Sec. 65.774 of the Zoning Code. Bill Dermody, 651/266-6617)

Bill Dermody, PED staff said that City Council identified that the small brewing regulations as being complicated and burdensome and not necessarily aligned with state law anymore. The Council also recognized that there is a lot of interest in these types of businesses going into Saint Paul. Generally speaking, the Council wants to loosen and simplify the requirements for those businesses and that will require a larger study but they saw this as a quick fix and wanted the Planning Commission's input on it. That is why they are going forward with the one line of code being struck and then they will handle the bigger issues later.

Commissioner Noecker asked if there was any discussion about why the original prohibition against sale on site was there. It notes that the sale of alcohol and other venues are already allowed in the same zoning district so what was the rationale originally and why it is no longer valid.

Mr. Dermody thinks that generally it is a matter of mirroring state law and then the state law changed and we're left with what is in the code.

Commissioner Wickiser said that he has talked to people about ethanol production and that ethanol or methanol can be produced from waste pop which would be the same process as brewing. Commissioner Wickiser has lived next to the ethanol plant for a long time down on West 7<sup>th</sup> Street which was horrendous. So if the committee could look at some of those issues in conjunction, although a small brew pub is obviously much different then producing ethanol for fuel.

Mr. Dermody replied that they will make sure to make that part of the report and consideration when they go forward with the larger amendments.

***MOTION: Commissioner Spaulding moved the Neighborhood Planning Committee's recommendation to approve the resolution recommending approval of the proposed amendments to Sec. 65.774 of the Zoning Code. The motion carried unanimously on a voice vote.***

West Grand Zoning Study – Recommendation to release report and draft zoning code amendments for public review and to set a public hearing for the April 19, 2013, Planning Commission meeting. (Josh Williams, 651/266-6659)

Josh Williams, PED staff, gave a presentation about the West Grand Avenue Zoning Study and the Neighborhood Planning Committee's recommendation and the findings of the study, which includes some recommended zoning changes to be released for public hearing with the date set for April 19, 2013. A map was shown on the overhead projector of the existing zoning and the boundaries of the study area. Mr. Williams gave some background saying that in August of 2012, the City Council passed Ordinance 12-53, which put in place a one-year moratorium on multifamily development greater than 40 feet in height along west Grand Avenue between Cretin and Fairview Avenues. The ordinance requested that the Planning Commission study whether RM2 multiple-family residential zoning and B2 zoning best furthers Comprehensive Plan land use objectives including supporting the prevailing character of Established Neighborhoods along this stretch of Grand Avenue. The City Council subsequently expanded the study area to include B2 parcels on Grand just east of Fairview Avenue, thereby encompassing the entire commercial node at the intersection of those two streets. The moratorium and zoning study request came primarily in response to a controversial development at the southwest corner of Grand Avenue

and Finn Street. The project (a five story, 50 foot-tall multifamily building containing 20 four-bedroom units targeted at student renters) received site plan approval as consistent with the lot's RM2 multifamily zoning and the Comprehensive Plan. On appeal, the City Council upheld the project approval.

Commissioner Perrus said she is not a huge fan of having multiple dimensional standards within a single zoning district; it is confusing for applicants and when they start opening that door, then particular streets could have a separate standard. She continued to ask if an overlay district was considered as an alternative to separate dimensions within the same zoning district.

Mr. Williams replied that, yes, the option of an overlay district was something that staff discussed. He stated that, in his opinion, overlay districts and footnotes as a way to apply different dimensional standards within a zoning district are imperfect solutions that make the zoning code harder to administer and more confusing for applicants. As to the issue of having different standards for different locations with the same zoning designation, Mr. Williams stated that staff felt that there are unique circumstances—namely the demand for student housing—in the West Grand area that don't exist elsewhere.

Commissioner Perrus understands that this is a limited area, but this is a limited area driven by a particular neighborhood's concerns. There are plenty of other areas in the city with student housing and she thinks this is being driven by one group of very vocal residents in a more well to do area. If student housing is that different and creates completely different problems then they should be addressing this issue as an overall issue for all neighborhood near colleges in the city rather than one particular street that is near St. Thomas. Commissioner Perrus understands that this is community-driven but she thinks they're missing the boat here.

Commissioner Lindeke asked about the percentage of renters in this area, the kind of outreach that was done to include students or renters in the discussions, and the percentage of the students and renters in the area who own automobiles.

Mr. Williams answered that he did not know the percentage of rental households versus owner-occupied offhand. He added that there was not specific outreach to students, other than informing UST student affairs staff and student representatives to the West Summit Neighborhood Advisory Committee (WSNAC). Mr. Williams also stated that it is difficult for the City to reach renters because we do not have a database of actual residents and addresses, only property owners.

Commissioner Edgerton asked if an analysis had been done on what the proposed zoning amendments would have meant for the Grand and Finn project if they had been in place at that time.

Mr. Williams said staff originally predicted around a 20% reduction in units based on the height restriction. He couldn't recall exactly the impact on number of units allowed based on the size of the parcel at Grand and Finn, but he thought the impact of the increase in minimum lot size per unit resulted in a greater than 25% reduction in allowed units. His calculations show that under the proposed changes, the project at Grand and Finn would include 13 four-bedroom units or 21 three-bedroom units.

Commissioner Schertler thinks that the reality here is that decisions on density and residential growth and Grand Avenue are always going to create anxiety because it's a higher demand-type

area. He talked about how much the city is supposed to grow and that it should be based on the Land Use Plan and where there is public infrastructure to support it. He also felt similar areas with similar infrastructure should be treated uniformly.

Commissioner Noecker said that the point of the Comprehensive Plan is to encourage density and they are going in the opposite direction with this proposal. She also doesn't understand the argument that because in this area where there is a huge demand for housing that we should be restricting this. Assuming that there is no other political consideration how does this make sense objectively? She also stated that the Alternative Residential Strategy analyzed in the study was interesting, the idea of rezoning to T1 or T2 as opposed to keeping the zoning the same but changing the density requirements. It states in the first paragraph that this is not the recommendation of the study but it has advantages and disadvantages. However, it is not clear why it wasn't the recommendation and what the advantages or disadvantages are. Commissioner Noecker wants it made clearer in the Alternative Residential Strategy so that people are not confused that there is this other suggestion being proposed.

Mr. Williams addressed the latter saying that in terms of advantages and disadvantages one issue with T zoning is that it is a commercial zone. The current character of that part of Grand Avenue is that the blocks are largely residential and the commercial is clustered at the corners. If commercial was put in mid-block there are potentially impacts. For example, commercial uses may generate more traffic, late night noise and particularly alley access is going to be necessary for most buildings, especially under Traditional Neighborhood District Design Standards.

Going back to the density question, under T2 the potential densities are greater than under RM2. However, it may be that a redesign of the building at Grand and Finn might have satisfied a lot of the concern. Under T zoning something lower-rise could be done that would accommodate the same number of units. Whether or not that alleviates the concerns coming out of the neighborhood and the people living across the alley he doesn't know, but those are the advantages and disadvantages and the intent of the committee was that there is not a clear right or wrong answer and discussion of those options at the public hearing would be a good thing for the reasons brought up.

Donna Drummond added that the Alternative Residential Strategy is in the study so that when it it's released for public hearing people can comment on that and we can get additional input on that idea. Although it was not the recommendation of the committee it is out there for people to consider and comment on.

Commissioner Noecker said that the way Mr. Williams stated the advantages and disadvantages should be listed.

Commissioner Spaulding said that the exercise they went through to reach what is recommended here today has actually reaped some benefits that may be worth thinking about citywide especially related to the RM2 set back issue. The 50 feet between adjacent RM2 buildings at 50 feet high is out of character with a lot of the land zoned RM2, and out of character with existing development zoned RM2.

Commissioner Nelson is not concerned about inconsistency across the city. For example the student housing that is an overlay zone and part of the foot note was a way to easily facilitate implementation within the zone as opposed to another map. It is a first step as a tool that can be

used and now that there is a student overlay zone around the St. Thomas area other areas can use it if similar problems develop. Zoning codes are evolving and often something tried in one area doesn't necessarily apply across the city and that kind of consistency is not problematic to him at all.

Commissioner Perrus thinks that they are doing kind of a band-aid based on an application that a lot of people didn't like in their area, and if a 20-unit building with very little green space is considered inappropriate around that college, then perhaps it should be considered inappropriate for all RM2 areas. She stated further that she does not like the idea that they are potentially putting this area on hold or changing the dynamics for this area when they should be considering if that use is appropriate generally as student housing everywhere around the city.

Commissioner Nelson said that they were limited by the request from City Council to just study West Grand Avenue.

Commissioner Perrus said that shouldn't limit the discussion of how the Planning Commission should proceed.

Commissioner Lindeke said staff had provided him information that the housing in the area is 52% owner-occupied and 48% rental. He inquired if it would be possible in the public process going forward to try to get some inclusion of that half of the neighborhood that might not be represented by just notifying property owners.

***MOTION: Commissioner Spaulding moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on April 19, 2013. The motion carried 15-1 (Perrus) on a voice vote.***

Chair Wencil announced the items on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, March 13, 2013.

#### **VIII. Transportation Committee**

Commissioner Spaulding said at their last meeting they heard about the Central Corridor sidewalk infill project, which plans to put in missing segments of sidewalk in the West Midway Industrial area. The other item discussed was the proposed extension of the bicycle/pedestrian path connecting Harriet Island to Kaposia Landing Park in South Saint Paul. This would offer a trail going 17 miles the length of the Saint Paul River Corridor. Mr. Don Varney from Public Works Department is coming back to the Transportation Committee in about 2 weeks to answer some of the questions they had. Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, March 11, 2013.

#### **IX. Communications Committee**

No report.

#### **X. Task Force/Liaison Reports**

Commissioner Reveal announced that the West Side Flats Community Task Force second meeting is Thursday, March 14, 2013 at 6:00 p.m. in the Neighborhood Development Alliance

office (NeDA).

Merritt Clapp-Smith, PED staff, announced that the Shepard Davern Area Planning Task Force will have a meeting on Wednesday, March 13, 2013 at 4:00 p.m. in the St. Paul Jewish Community Center conference room.

**XI. Old Business**

None.

**XII. New Business**

None.

**XIII. Adjournment**

Meeting adjourned at 10:13 a.m.

Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,



Donna Drummond  
Planning Director

Approved \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Daniel Ward II  
Secretary of the Planning Commission



CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## SITE PLAN REVIEW COMMITTEE

**Tuesday, March 26, 2012  
2nd Floor Conference Room  
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	Music Academy parking lot 27 East Geranium Repave existing parking lot

### **Applicants should plan to attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

### **Parking**

A few free parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4<sup>th</sup> and 5<sup>th</sup> Street.

If you have questions, please contact Tom Beach at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).



**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, March 14, 2013 3:30 P.M.  
City Council Chambers, Room #300  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF FEBRUARY 28, 2013, ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

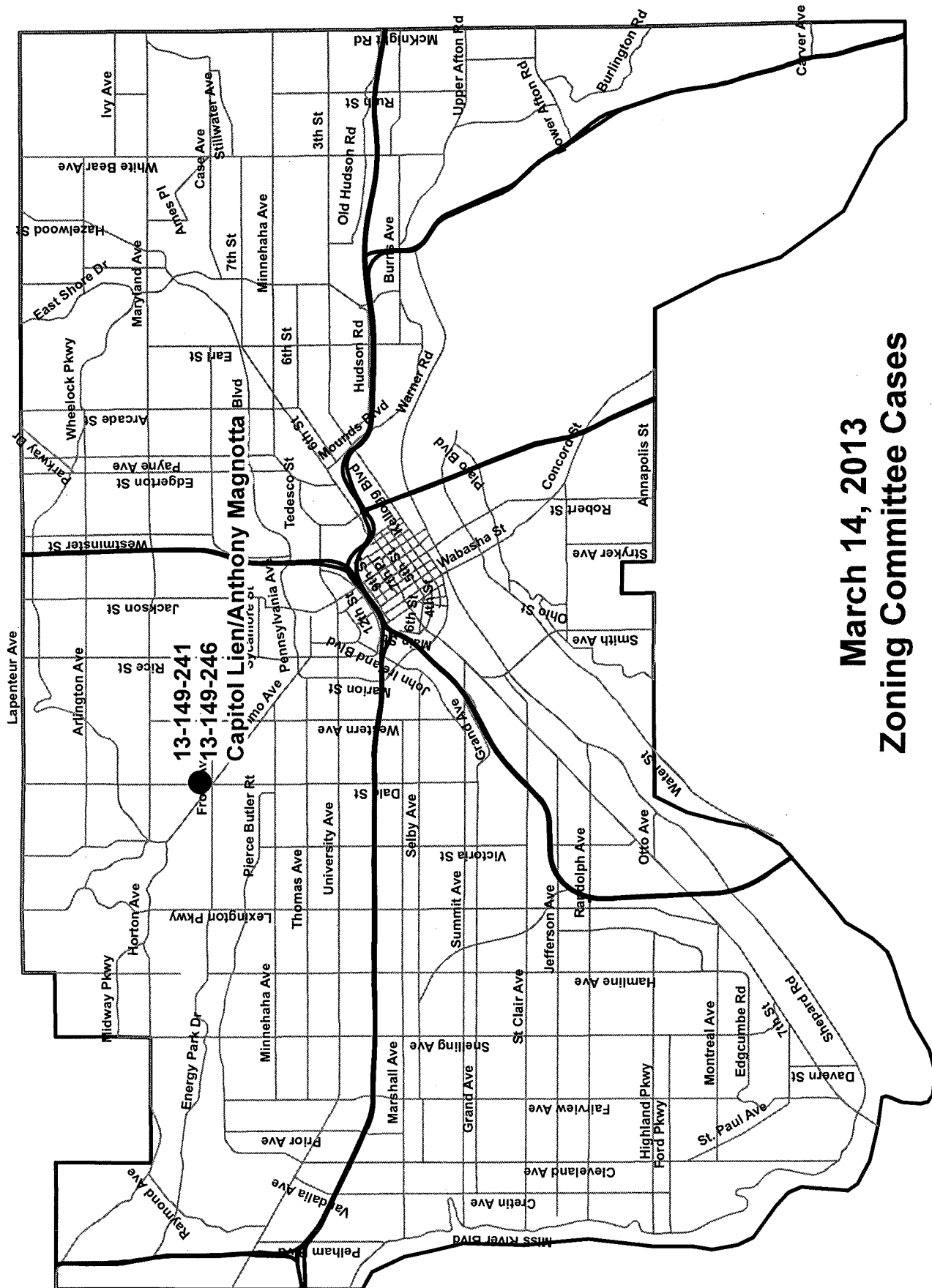
- 1      13-149-246   Capitol Lien / Anthony Magnotta**  
Extension of existing determination of similar use for vertical wind turbines  
1010 Dale St N, between Lawson and Hatch  
B3  
Kate Reilly      651-266-6618
  
- 2      13-149-241   Capitol Lien / Anthony Magnotta**  
Determination of similar use for vertical wind turbine with hybrid light (wind and solar powered) on a freestanding pole in the B3 general business district  
1000 Dale St N, NE of intersection of Hatch and Dale  
B3  
Kate Reilly      651-266-6618

**ADJOURNMENT**

Information on agenda items being considered by the Zoning Committee can be found online at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), then Planning, then Zoning Committee.

**ZONING COMMITTEE MEMBERS:** Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



## March 14, 2013 Zoning Committee Cases

## ZONING COMMITTEE STAFF REPORT

FILE # 13-149-246

1. **FILE NAME:** Capitol Lien / Anthony Magnotta
  2. **APPLICANT:** Anthony Magnotta
  3. **TYPE OF APPLICATION:** Determination of Similar Use/Conditional Use Permit
  4. **LOCATION:** 1010 Dale St N, between Lawson and Hatch
  5. **PIN & LEGAL DESCRIPTION:** PID 25-29-23-23-0063 and 0064; Como Prospect Addition, Lots 3-8, Blk 13
  6. **PLANNING DISTRICT:** 6
  7. **ZONING CODE REFERENCE:** §61.106; §61.107; §61.501; §65.910; §63.121; §65.310
  8. **STAFF REPORT DATE:** March 6, 2013
  9. **DATE RECEIVED:** January 30, 2013
- EXISTING ZONING:** B3  
**BY:** Kate Reilly
- 60-DAY DEADLINE FOR ACTION:** March 31, 2013; extended to May 29, 2013

- A. **PURPOSE:** Extension of Determination of Similar Use/Conditional Use Permit for vertical wind turbines
- B. **PARCEL SIZE:** 150 ft. frontage x 126.03 ft = 18,904 sq. ft.
- C. **EXISTING LAND USE:** Business
- D. **SURROUNDING LAND USE:**  
North: B3 - Business  
East: RM2 - Single family & Multi-family residential  
South: B3 - Business  
West: B3 - Business; R4 - Single family residential
- E. **ZONING CODE CITATION:** § 61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. § 61.107 authorizes the planning commission to impose reasonable conditions and limitations in making a similar use determination. § 61.501 lists general conditions that must be met by conditional uses. § 65.910 defines *accessory use* and lists examples of accessory uses. § 63.121 permits and provides standards for antennas as accessory uses in all districts. § 65.310 lists standards for cellular telephone antennas.
- F. **HISTORY/DISCUSSION:** On June 24, 2011 (Z.F. 11-129-965) Anthony Magnotta/Capitol Lien and Title applied for and received a determination of similar use (DSU) as a conditional use for four wind turbines at this address for a test period ending on June 24, 2013. A determination of similar use/conditional use permit was granted to Macalester College for a 10 kW, 102 foot high, free-standing wind turbine on the campus for a test period in 2002 (Z.F. # 02-236-646) and permanently in 2005 based on noise monitoring during the test period (Z.F. # 05-085-530). On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommended approval at their January 22, 2013, Land Use Task Force meeting for the extension of the DSU.
- H. **FINDINGS:**
1. Pursuant to a determination of similar use approved by the Planning Commission on June 24, 2011, via resolution 11-47, Capitol Lien and Title installed four vertical axis wind turbines: three building-mounted wind turbines and one on a freestanding pole, as an accessory use to provide electricity for the business at 1010 N. Dale Street. The three roof-mounted 1.5 kW turbines are 15.8 ft. above the surface of the roof (a 9.8 ft. tall turbine mounted on a 6 ft. monopole). The freestanding 3 kW turbine itself is 18.4 ft. tall. It is mounted on a 13 ft. monopole, for a total height of 31.4 feet. The permit had eight conditions applied to it. One of the conditions was that the permit would be for a two-year test period, during which the applicant would monitor bird and bat casualties. Those two years are expiring in June and the applicant is requesting a permanent conditional use permit for the four vertical axis wind

turbines.

2. Eight conditions were placed on the determination of similar use approved for 1010 N Dale in 2011. Conditions one through five have been satisfied. The turbines are an accessory use to provide electricity for the business; the lot is at least 18,000 square feet in area and has no more than four wind turbines with no more than three on the roof and one on a freestanding pole; the wind turbines on the roof are no more than 15 feet above the parapet and are at least 20 feet from the edge of the building; the wind turbine on a freestanding pole is not more than 32-feet high; the wind turbines are at least 50 feet from any residentially-zoned property.

The sixth condition requiring a noise impact study by an acoustical engineer has not been met. The applicant states that this would cause a financial hardship. He states that the quotes he has gotten are in excess of \$10,000 and states that staff from at least one firm, Braun Intertec, has stated that the turbines do not make enough noise to hear over the ambient traffic noise from Dale Street, thus a noise impact study would show nothing. The applicant states that Braun Intertec will not provide a letter stating that the ambient noise is too great to analyze the wind turbine-produced noise without payment in full for a noise impact study.

In 2005, Macalester College was granted approval of permanent installation of the 10 kilowatt wind turbine on the campus. City staff states in finding 2 of Zoning File #05-085-530 that the noise generated by the Macalester 10 kW horizontal axis wind turbine was unable to be measured as it is masked by the ambient noise of traffic on Snelling Avenue. In a 2007 test by McMaster University in Canada, researchers found that vertical axis wind turbines do not exceed 20 dB(A). The city's noise standard for commercial districts is 70 dB(A) and 65 or 55 dB(A) for residential districts. For reference, light auto traffic at 100 feet is 50 dB(A) and a heavy truck is 90 dB(A). A garbage disposal indoors from 2 feet away is 80 dB(A). There have been no complaints about noise from the four wind turbines at 1010 N. Dale.

The applicant has been monitoring bird and bat activity near the wind turbines and states that no birds or bats have been injured by the vertical axis wind turbines, which was the eighth condition of the conditional use permit.

3. The seventh condition placed on the 2011 DSU for 1010 N. Dale was that it is for a test period after which the applicant may apply for permanent approval under anticipated new zoning code language for wind turbines. On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts. Preliminary research finds that small wind turbines designed to provide electricity for the property on which they are located are commonly permitted as accessory uses in other cities, subject to reasonable conditions that may vary depending on the size and location of the turbine. Minneapolis, Duluth, Madison and Chicago all have specific provisions for this.

- I. **STAFF RECOMMENDATION:** Based on the above findings, and findings in Zoning File # 11-129-965, staff recommends permanent approval of a determination of similar use and conditional use permit for three 1.5 kW roof-mounted vertical wind turbines (with a height of 15.8 feet above the roof surface) and one 3.0 kW vertical wind turbine on a freestanding pole (with a total height of 31.4 feet) in the parking lot, in the B3 general business district, or a less restrictive district, at 1010 N. Dale Street, subject to the following conditions:

1. The turbines shall be an accessory use to provide electricity for the business on the property.
2. The lot shall be at least 18,000 sq. feet in area, on which there shall be no more than four

- turbines, including no more than three on the roof and no more than one on a freestanding pole.
3. Roof-mounted turbines shall be no more than 15 feet above the rooftop or parapet, whichever is greater, and centered at least 20 feet from the edge of the building.
  4. The wind turbine on a freestanding pole shall have a total height of no more than 32 feet.
  5. The turbines shall be centered at least 50 feet from any residentially zoned property.
  6. When the turbines cease to function, they will be removed or replaced within 30 days.

ZONED K4

CURB + GUTTER

R/W

- - 150.00 - -

OWNERS  
ANTHONY + LISA  
MAGNOTTA

OWNERS  
ANTHONY + LISA  
MAGNOTTA

(NOTE:  
ALL BUSINESSES  
ZONED B3)

RETAINING WALL  
STEPS

PARKING  
LOT  
GRAVEL

RETAINING WALL  
PROPERTY LINE

HYBRID STREET

LIGHT

EXISTING TURBINE

RAMP

EXISTING TURBINES

RAMP DOWN

SIDE SLOPE

R/W

ALLEY

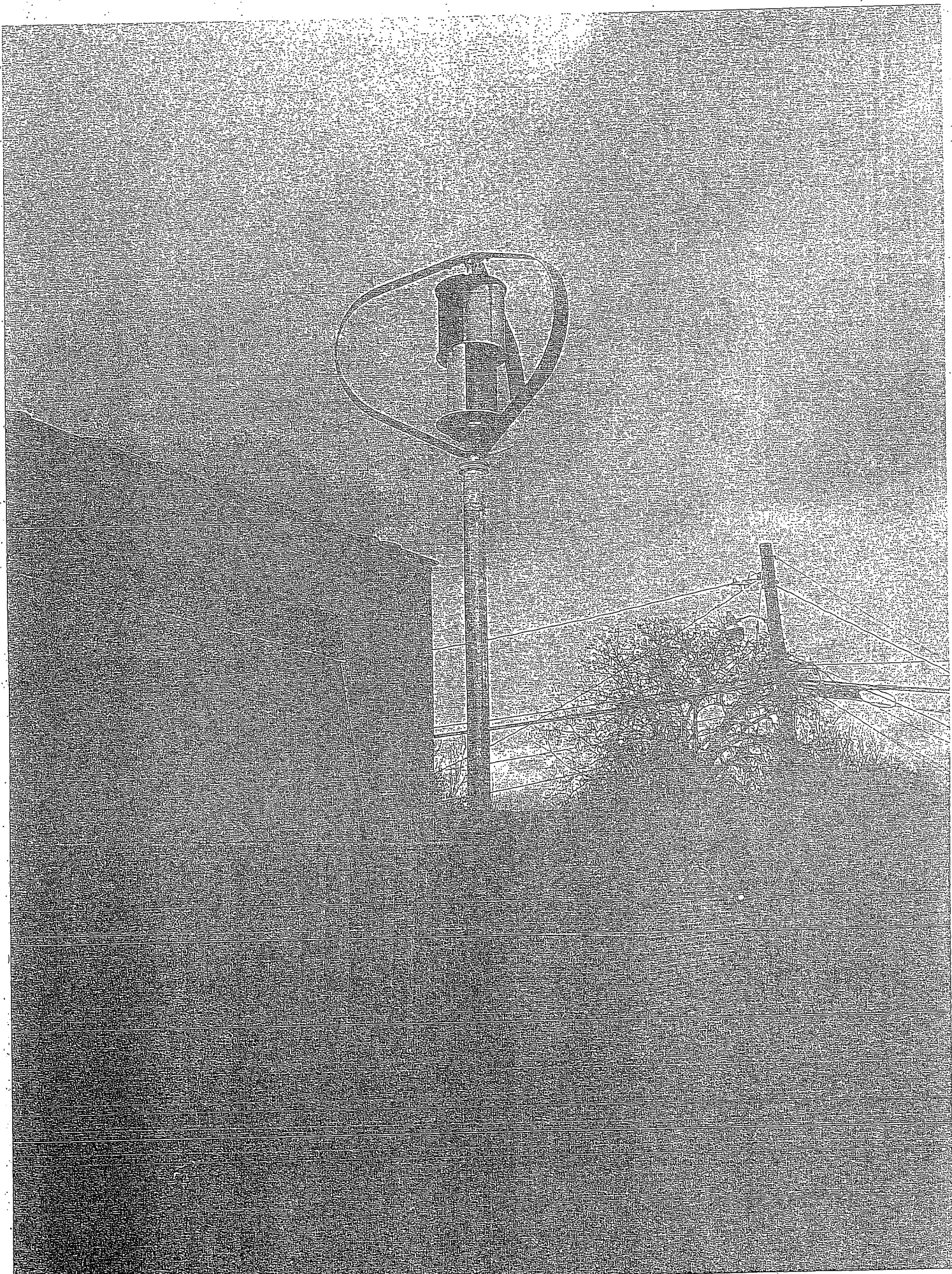
ZONED RM 2

\* 1 INCH = 20 FT

TONY MAGNOTTA 1/3/13

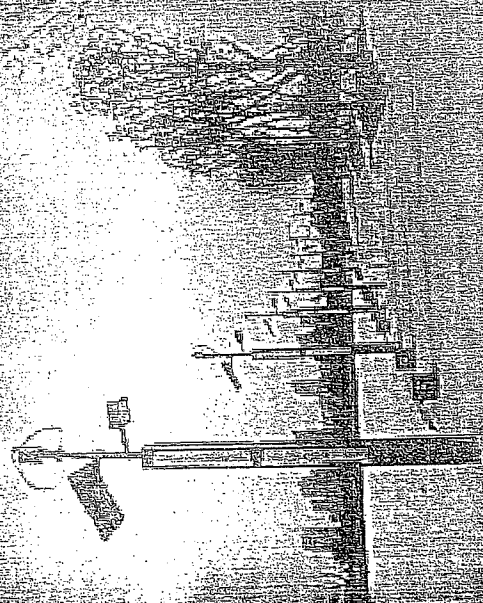
ALLEY





Small demonstration wind turbine



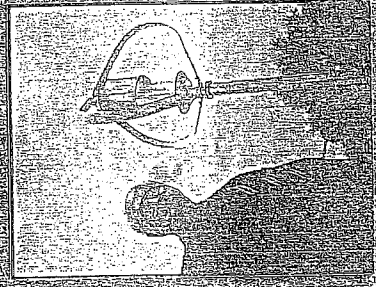


**Feature:**

The hybrid street light combines the VAWT wind turbine and solar panel. These collect power from wind and sun light for lighting up the LED in the night time. This is also makes it so the street light is completely green and does not need pipeline construction from city power. The benefits are not only zero CO2 emissions but also saving the installation time and costs. It shows the ECO SKYLINE of a modernized city.

**Specification:**

- Wind power- 300W VASWT (DS300)
- Solar power- 120W silicon mono crystalline
- Street lamp- 30W high bright LED
- Decorative light- 12W LED colorful
- Spot light- 1W LED x2 to light wind rotor
- Charger- 400W MPPT charger+200W PV charger
- Battery- 12V/46Ah x4 deep cycle silicon gel battery
- Size- 5.4m assemble stainless galvanized
- Lamp height- 4.5m
- Height- 6.5m



Our CEO, Tony Magnotta, seen above at our headquarters in St. Paul, MN at the first VAWT Urban Wind Farm in America.

Product	300W	700W	1500W	3kW
A	1.24	1.93	2.8	4.0
B	1.00	1.56	3.2	4.5
Cut in Wind speed	<3 m/s			
Cut-out Wind speed	12 m/s ~ 13.5 m/s			15 m/s
Rated Wind speed				60 m/s
Survival Wind speed				

*"Wind That Creates Customers"*



<b>MNWT-BC300</b> .....	400 watts
Output Voltage.....	12,24 volts
Output Current.....	20 amps
Cut-In Wind Speed.....	6.7 mph
Rated Wind Speed.....	34 mph
Diameter.....	3.7 ft
Height.....	4.8 ft

<b>MNWT-1500</b> .....	1.5 kW
Output Voltage.....	48 volts
Output Current.....	60 amps
Cut-In Wind Speed.....	5.5 mph
Rated Wind Speed.....	26 mph
Diameter.....	9.2 ft
Height.....	9.8 ft

<b>MNWT-3000</b> .....	3.0 kW
Output Voltage.....	48 volts
Output Current.....	130 amps
Cut-In Wind Speed.....	5.5 mph
Rated Wind Speed.....	33 mph
Diameter.....	13.1 ft
Height.....	18.4 ft



city of saint paul  
planning commission resolution  
file number 11-47  
date June 24, 2011

WHEREAS, Capitol Lien and Title, File # 11-129-965, has applied for a determination of similar use for vertical wind turbines in the B3 general business district under the provisions of § 61.106 of the Saint Paul Legislative Code, on property located at 1010 Dale St. N, Parcel Identification Number (PIN) 25-29-23-23-0063, legally described as Como Prospect Addition, Lots 3-5, Block 13; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 19 and June 16, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Capitol Lien and Title proposes installing four vertical wind turbines, three building-mounted wind turbines and one on a freestanding pole, as an accessory use to provide electricity for the business at 1010 N. Dale Street. The three proposed roof-mounted 1.5 kW turbines would extend 15.8 ft. above the surface of the roof (a 9.8 ft. tall turbine mounted on a 6 ft. monopole). The proposed freestanding 3 kW turbine itself is 18.4 ft. tall. It would be mounted on a 13 ft. monopole, for a total height of 31.4 feet.
2. § 61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. The proposed wind turbines as an accessory use to provide electricity for the business at 1010 N. Dale Street generally meet the definition of *accessory use* in § 65.910, "a building, structure or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related." While § 60.103(k) of the zoning code states that a purpose of the zoning code is "to promote the conservation of energy and the utilization of renewable energy resources," suggesting that the zoning code generally supports permitting wind turbines, § 65.910 does not specifically include wind turbine in a list of examples of what the term accessory use includes but is not limited to. Therefore, § 65.910 also does not include any specific standards for wind turbines in various zoning districts.

On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts. Preliminary research finds that small wind turbines designed to provide electricity for the property on which they are located are commonly permitted as accessory uses in other cities, subject to reasonable conditions that may vary dependent on the size and location of the turbine. Minneapolis, Duluth, Madison and Chicago all have specific provisions for this.

moved by Kramer  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

Minneapolis permits administrative approval of accessory building-mounted systems in all zoning districts, up to 15 feet in height above the roof, including on residential buildings at least 4 stories tall. Minneapolis also requires that building-mounted systems "shall be set back at least ten (10) feet from the front, side and rear walls of the structure upon which it would be mounted." Chicago has a similar height standard for building-mounted systems in residential districts, 15 feet above the rooftop or parapet, whichever is greater.

Minneapolis permits freestanding systems as a conditional use, up to 60 feet high on zoning lots between one and five acres in residential and commercial districts, and requires a set back of at least twice the height of the tower from residential structures and overhead utility lines.

Duluth permits wind energy conversion systems both as a principal and as an accessory use. As an accessory use the height can not exceed 50 feet without a special use permit. Duluth exempts wind energy conversion systems for regular zoning district height limits, requires freestanding systems to be set back from property lines at least as far as the tower height, and requires the lowest point of the rotor to be at least 15 feet above the ground.

Finish is also regulated in Duluth: "The turbine and tower shall remain painted or finished in the color that was originally applied by the manufacturer." Minneapolis requires materials and colors that are compatible with the principal structure, prevent communication signal interference, and blend into the surroundings as much as possible.

The Boston, MA, code talks about minimizing glare and flickering shadows, and requires the applicant to show that this would not have significant impact on neighboring uses.

Bat and bird impacts are not specifically mentioned in any codes currently established in the US. However, there have been some studies that suggest that at large wind sites anywhere from 1 to 3 birds are killed per tower per year. Bats experience a kill rate of almost three times that. For most urban applications wind turbines are mounted lower than bird and bat migration paths. "Because of the relatively smaller blades and short tower heights, home-sized wind machines are considered too small and too dispersed to present a threat to birds. Researchers do not consider a study of home-sized wind systems worth funding." (focusonenergy.com) No research was found about birds or bats and vertical wind turbines. An industry representative has stated that vertical wind turbines appear to be solid objects when spinning, which would cause birds and bats to fly around them, rather than try to go through them. There is no evidence to suggest that vertical wind turbines create enough disturbances in the wind to draw birds or bats in to them.

3. § 61.106 states that in making a similar use determination the planning commission shall make the following findings:

(a) *That the use is similar in character to one (1) or more of the principal uses permitted.*

Antennas permitted in the B3 general business district share some characteristics with a vertical wind turbine: both may be mounted on a building roof or on a freestanding pole. §63.121 permits accessory antennas in all districts, including a television receiving satellite dish 3 meters or less in diameter and short-wave radio antennas, to extend up to 15 feet above the normal height restriction for the district (e.g., 15 feet above the 30 foot height limit in the B3 district). While antennas are static objects and do not create sound, by their nature wind turbines have dynamic, moving elements. Other uses permitted in the B3 district include outdoor elements that move or create sound. Outdoor compressors and chillers accessory to a grocery store or restaurant, for example, create sound. Auto service stations and drive-through sales and services permitted in the B3 district often include outdoor elements that create sound.

- (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding can be made. The minimal traffic generated by wind turbines is substantially less than most uses permitted in the B3 district.
  - (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is made. "Wind turbine" is not specifically listed as a permitted use in any zoning district.
  - (d) *The use is consistent with the comprehensive plan.* This finding is made. While the Saint Paul Comprehensive Plan does not contain any policies specifically related to wind turbines, the use is consistent with broad policies in the comprehensive plan for energy conservation and sustainable use of renewable energy resources. The proposed wind turbines are consistent with the intent and purpose of the zoning code "to implement the policies of the comprehensive plan," including the purpose specifically stated in § 60.103(k) of the zoning code "to promote the conservation of energy and the utilization of renewable energy resources."
4. Because vertical wind turbines share some characteristics with cellular telephone antennas, it may be useful to consider the standards for cellular telephone antennas in the B3 district. § 65.310 provides for cellular telephone antennas in the B3 general business district as permitted uses if they are building-mounted and as conditional uses if they are freestanding. The standards and conditions listed in § 65.310 for cellular telephone antennas in the B3 general business district that might also be applicable to the proposed wind turbines, and the consistency of the proposed wind turbines with them, are as follows:
- (b) *In . . . OS-B3 . . . business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.* The proposed roof-mounted wind turbines are reasonably consistent with this standard. The applicant proposes to mount the turbines on 6 foot monopoles to protect the turbines and to protect people on the roof from bumping into the turbines. The turbines themselves are 9.8 feet high. Together with a 6 foot pole, the top of the turbines would be 15.8 feet above the roof surface itself, and 14.3 feet above the top of the 18 inch parapet.
  - (d) *In . . . business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*
    - (1) *The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.* The proposed 31.4 foot tall wind turbine on a free-standing pole is consistent with this standard.
    - (2) *Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.* The wind turbine is not located in a required front or side yard. The location of the proposed pole is 51 feet from the nearest residential property, and farther from the nearest residential structure, consistent with this standard.
    - (3) *The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment.* The proposed wind turbine and pole would have non-reflective subdued finishes to blend into the surrounding environment as much as possible. They would also be located to reduce their visual impact.

- (4) *In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area. The lot is within a large contiguous area of B3 and industrial zoning consistent with this standard.*
- (g) *Freestanding poles shall be a monopole design.* The proposed freestanding pole is a monopole design consistent with this standard.
- (h) *Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.* The applicant states that all electrical equipment related to the wind turbines will be located in the existing building, and wires from the freestanding turbine to the electrical equipment will be buried.
5. § 65.310 provides for cellular telephone antennas on a freestanding pole in the B3 district as a conditional use. Because the proposed vertical wind turbine on a freestanding pole shares some characteristics with a cellular telephone antenna on a freestanding pole, it may be useful to review the proposed wind turbine on a freestanding pole for conformance with the general standards in § 61.501 that apply to approval of conditional use permits:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* The wind turbine is consistent with this standard as stated in Finding 3(d).
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The turbine will generate minimal traffic and is consistent with this standard.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* Based on the information provided in the application, the impact of potential sound created by the proposed wind turbines on the character and welfare of the immediate area is unclear.

The impact of sound generated by wind turbines is affected by a number of variables. In order for a sound to be heard over ambient noise it must be at least twice as loud as the ambient noise. Noise monitoring found that the sound generated by the 10 kW turbine at Macalester, for example, was imperceptible because of ambient noise in the area. Sound generated by the turbines increases with wind speed, while increased wind also increases ambient noise. Sound decreases 6 dB(A) for each doubling of distance from the source. Cumulative sound is measured logarithmically. For example, two things making sound at 50 dB(A) would have a cumulative sound level of 53dB(A) and four would generate a sound level of 56 dB(A).

Based on data provided by the applicant, sound from the 3000 watt wind turbine is 55 dB(A) at a wind speed of 11 miles per hour and 65 dB(A) at a wind speed 22 miles per hour. A speed limiter starts at a wind speed of 28 mph, and the turbine shuts down at a wind speed of 33 miles per hour. Based on the data provided, it appears that the turbine would meet the L10 (10% of an hour) city noise limit standard of 70 dB(A) for commercial districts. The city noise standard in residential districts is an L10 of 65dB(A) in the daytime (7:00 a.m. to 10:00 p.m.) and an L10 of 55dB(A) at night (10:00 p.m. to 7:00 a.m.). Also, the Minnesota noise pollution rules for residential areas have an L50 (50% of an hour) standard of 60 dB(A) in the daytime and an L50 of 50 dB(A) at night. These are measured at the point of nearest human activity. Based on the data provided and the distance to residential property, it appears that the turbine may meet the 65 dB(A) daytime city noise standard for residential districts. While

wind generally blows at a lower speed in the night time, the proposed turbines are close enough to the point of nearest human activity on residential property that these standards could be violated, particularly with the cumulative sound of the four proposed turbines.

§ 293.08(b) of the Saint Paul Legislative Code states that any city department or agency may require a noise impact statement in association with any change in zoning classification, in planning of a structure, or in any operation, process, installation or alteration which may be considered as a potential noise source. Such a noise impact analysis performed by an acoustical engineer could suggest changes to the number or location of the proposed wind turbines, or other mitigation measures, as necessary to conform to the city and state noise standards, and thus protect the character and welfare of the area.

(d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* The proposed wind turbine is consistent with this standard.

(e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* The proposed wind turbine is consistent with this standard.

6. § 61.107 of the zoning code states that "the planning commission . . . may impose such reasonable conditions and limitations in . . . making a similar use determination, as are determined to be necessary to fulfill the spirit and purpose of the zoning code, to ensure compliance, and to protect adjacent properties."

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, based on findings above, that the application of Capitol Lien and Title for a determination of similar use for three 1.5 kW roof-mounted vertical wind turbines (with a height of 15.8 feet above the roof surface) and one 3.0 kW vertical wind turbine on a freestanding pole (with a total height of 31.4 feet) in the parking lot, in the B3 general business district, or a less restrictive district, at 1010 N. Dale Street is hereby approved subject to the following conditions:

1. The turbines shall be an accessory use to provide electricity for the business on the property.
2. The lot shall be at least 18,000 sq. feet in area, on which there shall be no more than four turbines, including no more than three on the roof and no more than one on a freestanding pole.
3. Roof-mounted turbines shall be no more than 15 feet above the rooftop or parapet, whichever is greater, and centered at least 20 feet from the edge of the building.
4. The wind turbine on a freestanding pole shall have a total height of no more than 32 feet.
5. The turbines shall be centered at least 50 feet from any residentially zoned property.
6. The applicant shall provide a noise impact statement to the Zoning Administrator, completed by an acoustical engineer, showing that when in operation, the sound levels from the wind turbines will be in compliance with all city and state noise standards in Saint Paul Legislative Code 293 and Minnesota Rules 7030.
7. This approval shall be for a test period that shall expire on June 24, 2013, after which the applicant may apply for permanent approval under the specific new zoning code language adopted pursuant to the current study of zoning code amendments to address issues specific to wind turbines and conditions under which wind turbines shall be permitted in various zoning districts; or the turbines shall be removed.
8. The applicant shall monitor bird and bat casualties during the test period and provide the monitoring data to the Planning Commission.

CITY OF SAINT PAUL, MINNESOTA  
Determination of Similar Use

ZONING FILE NO: 11-129-965  
APPLICANT: Capitol Lien and Title  
PURPOSE: Determination of similar use for vertical wind turbines in the B3 general business district  
LOCATION: 1010 Dale St N  
LEGAL DESCRIPTION: PIN 252923230063, Como Prospect Addition Lots 3 4 And Lot 5 Blk 13  
ZONING COMMITTEE ACTION: Recommended approval with conditions  
PLANNING COMMISSION ACTION: Approved on June 24, 2011

CONDITIONS OF THIS PERMIT:

1. The turbines shall be an accessory use to provide electricity for the business on the property.
2. The lot shall be at least 18,000 sq. feet in area, on which there shall be no more than four turbines, including no more than three on the roof and no more than one on a freestanding pole.
3. Roof-mounted turbines shall be no more than 15 feet above the rooftop or parapet, whichever is greater, and centered at least 20 feet from the edge of the building.
4. The wind turbine on a freestanding pole shall have a total height of no more than 32 feet.
5. The turbines shall be centered at least 50 feet from any residentially zoned property.
6. The applicant shall provide a noise impact statement to the Zoning Administrator, completed by an acoustical engineer, showing that when in operation, the sound levels from the wind turbines will be in compliance with all city and state noise standards in Saint Paul Legislative Code 293 and Minnesota Rules 7030.
7. This approval shall be for a test period that shall expire on June 24, 2013, after which the applicant may apply for permanent approval under the specific new zoning code language adopted pursuant to the current study of zoning code amendments to address issues specific to wind turbines and conditions under which wind turbines shall be permitted in various zoning districts, or the turbines shall be removed.
8. The applicant shall monitor bird and bat casualties during the test period and provide the monitoring data to the Planning Commission.

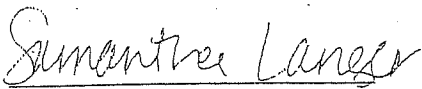
APPROVED BY: Barb Wenzl, Commission Vice-Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on June 24, 2011, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.

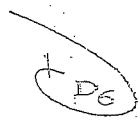
Violation of the conditions of this permit may result in its revocation.



Samantha Langer  
Secretary to the Saint Paul  
Zoning Committee

Copies to:  
Applicant: Capitol Lien and Title  
File No: 11-129-965  
District Council: 6

Mailed: June 24, 2011



District 6 Planning Council

171 Front Avenue  
Saint Paul, MN 55117  
651-488-4485 fax: 651-488-0343  
district6ed@dist6pc.org

January 23, 2013

Zoning Committee of the Planning Commission  
15 West Kellogg BLVD  
Saint Paul, MN 55102

Re: 1000-1010 Dale Street Capital Lien-Extension of Determination of Similar Use for Vertical Wind Turbines/Determination of similar use for vertical wind turbine with a hybrid street light powered by wind and solar

On April 28, 2011 a letter was sent to the Zoning Committee indicating District 6 Planning Council's support for a determination of similar use for vertical wind turbines. At its January 22, 2013 Land Use Task Force meeting the extension on the determination of similar use for vertical wind turbines received a recommendation for approval.

The Land Use Task Force also recommends approval of a determination of similar use for a vertical wind turbine street light powered by wind and solar. The Task Force discussed the new application and concluded that there should be limited impact to the neighborhood since there have been no complaints regarding existing wind turbines and alternative energy sources are welcome. This approval is contingent that the applicants fulfill all application requirements.

Thank-you for your consideration and if you have questions please contact the office.

Regards,

*Jeff Martens*

Jeff Martens  
Land Use Chairman

Cc: Ward 5  
Tony Magnotte

An Affirmative Equal Opportunity Employer

Reilly, Kate (CI-StPaul)

From: Mark Lentsch <marklentschrealty@gmail.com>  
Sent: Wednesday, March 06, 2013 10:12 AM  
To: Reilly, Kate (CI-StPaul)  
Subject: Wind Turbines addition - Dale St property #13-149-246 & 13-149-241

My office is right next door and I object. What happened to having to get approval from your "Arm's length" neighbors?

There are more than enough of the "Whirly Bird's" next door. My clients chuckle and say how silly they look....have heard comments...."only the city would allow this".

>>>where does this end? What is next....their own "whirly bird" trash compactor, "whirly bird" door openers, etc....Come on,...enough is enough. If every building in St Paul had these....we would be the "laughing stock" of the nation.

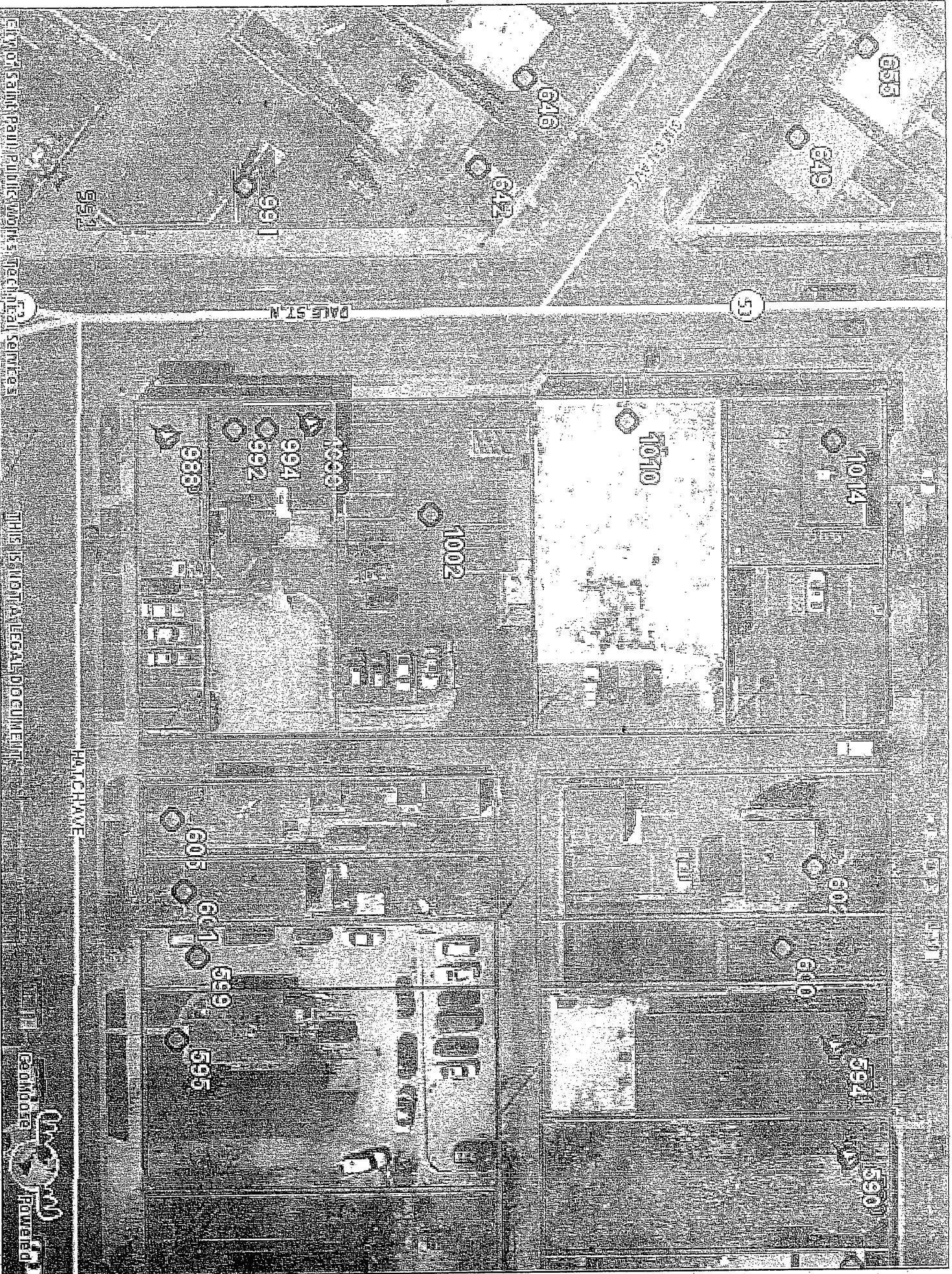
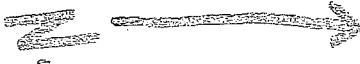
Remember when we were all concerned with "TV style" electronic billboards, and those were then regulated....i think these wind turbines could be a safety / distraction hazard for drivers turning their heads to look at the wind turbines spin....or younger kids climbing up on them sometime. What about some kind of hazard energy thrown off if you are in close proximity, have there been tests for that?

Thank you,

Mark Lentsch - 651-335-5464 - lifetime St Paul resident  
[marklentschrealty@gmail.com](mailto:marklentschrealty@gmail.com)

\*\*\*I am unable to attend March 14th at the proposed time.

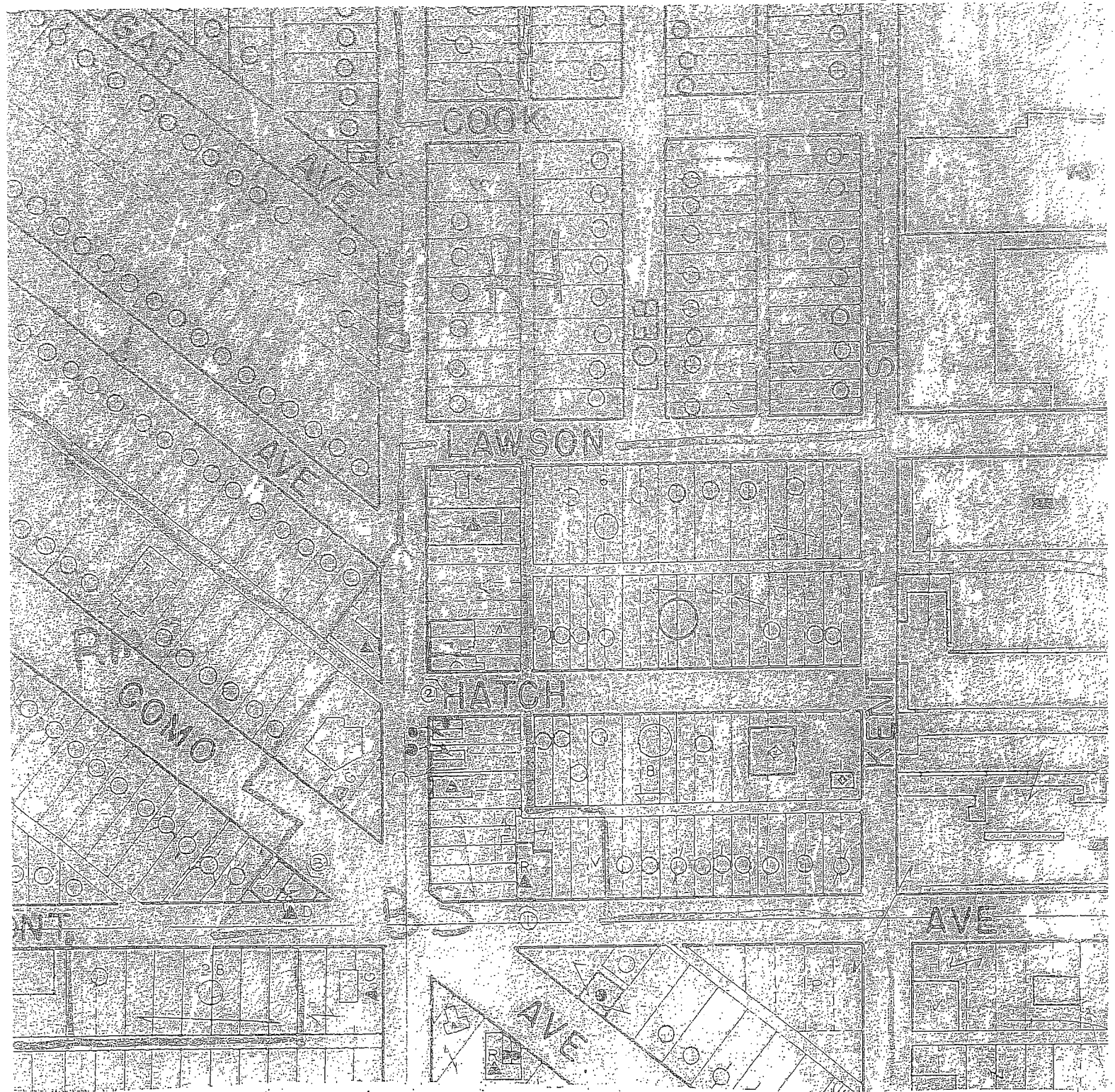




City of Saint Paul Public Works Technical Services

THIS IS NOT A LEGAL DOCUMENT





APPLICANT Capitol Lien  
 PURPOSE Extension DSU  
 FILE # 13-149246 DATE 1-30-13  
 PLNG. DIST 6 Land Use Map # 12  
 Zoning Map # 9  
 SCALE 1" = 400'

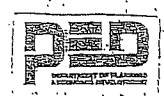
LEGEND

zoning district boundary

subject property

one family  
 two family  
 multiple family

commercial  
 industrial  
 vacant





## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Capitol Lien / Anthony Magnotta
  2. **APPLICANT:** Anthony Magnotta
  3. **TYPE OF APPLICATION:** Determination of Similar Use
  4. **LOCATION:** 1000 Dale St N, NE of intersection of Hatch and Dale
  5. **PIN & LEGAL DESCRIPTION:** 252923230065; Como Prospect Addition Lots 9 And Lot 10 Blk 13
  6. **PLANNING DISTRICT:** 6
  7. **ZONING CODE REFERENCE:** §61.106
  8. **STAFF REPORT DATE:** March 4, 2013
  9. **DATE RECEIVED:** January 30, 2013
- 60-DAY DEADLINE FOR ACTION:** April 1, 2013; extended to May 30, 2013

FILE # 13-149-241

HEARING DATE: March 14, 2013

EXISTING ZONING: B3

BY: Kate Reilly

- A. **PURPOSE:** Determination of similar use for vertical wind turbine with hybrid light fixture (wind and solar powered) in the B3 general business district
- B. **PARCEL SIZE:** 50 ft. (Dale) x 127.5 ft. or 6,375 sq. ft. in area.
- C. **EXISTING LAND USE:** Commercial
- D. **SURROUNDING LAND USE:**
- North: B3 - Business
- East: RM2 - Single family & Multi-family residential
- South: B3 - Business
- West: B3 - Business; R4 - Single family residential
- E. **ZONING CODE CITATION:** §61.106 provides for the planning commission to make similar use determinations when a specific use is not listed in the zoning code.
- F. **HISTORY/DISCUSSION:** On June 24, 2011 (Z.F. 11-129-965) Anthony Magnotta/Capitol Lien and Title applied for and received a determination of similar use and conditional use permit for four wind turbines at the neighboring property, 1010 N. Dale Street. A determination of similar use/conditional use permit was granted to Macalester College for a 10 kW, 102 foot high, free-standing wind turbine on the campus for a test period in 2002 (Z.F. # 02-236-646) and permanently in 2005 based on noise monitoring during the test period (Z.F. # 05-085-530). On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommended approval of the DSU at the January 22, 2013, Land Use Task Force meeting.
- H. **FINDINGS:**
1. The applicant seeks to install a hybrid light fixture powered by both a vertical axis wind turbine and a photovoltaic solar panel in the parking lot to the rear of the building on the property at 1000 N. Dale Street. The light is powered by a 300 Watt vertical axis wind turbine and a 125 Watt solar panel. The light is able to be operated without connection to the electrical grid/traditional utility system. The light's wind turbine and solar panel charge a 12V battery bank. The battery provides enough power to power a 30 Watt LED lamp. The lamp with wind turbine and solar panel is 6.5 meters in height (21.3 feet).
  2. § 61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. The proposed hybrid light fixture, intended to provide light for the parking lot at the business at 1000 N. Dale Street, generally meets the definition of *accessory use* in § 65.910, "a building, structure or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related." While § 60.103(k) of the zoning code states that a purpose of the zoning code is "to promote the conservation of energy and the utilization of renewable energy resources," suggesting that the zoning code generally

supports permitting this application, § 65.910 does not specifically include hybrid light fixture in a list of examples of what the term accessory use includes but is not limited to. Therefore, § 65.910 also does not include any specific standards for hybrid light fixtures in various zoning districts.

On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts. The study will also address hybrid light fixtures. Preliminary research finds that small wind turbines designed to provide electricity for the property on which they are located are commonly permitted as accessory uses in other cities, subject to reasonable conditions that may vary dependent on the size and location of the turbine. Minneapolis, Duluth, Madison and Chicago, among other cities, all have specific provisions for this. However, no provisions for light fixtures with a solar and wind power element have been found.

3. §61.106 states: When a specific use is not listed in the zoning code, ... the planning commission shall determine if a use is or is not similar to other uses permitted in each district. The ... planning commission shall make the following findings in determining one use is similar to another:

(a) *That the use is similar in character to one (1) or more of the principal uses permitted.* This finding is met. Each element of the fixture – the light, the solar panel, and the wind turbine will be addressed separately, as it relates to the zoning code.

#### **Light Fixture**

The zoning code does not specify lighting as a use, accessory or otherwise. However, it does set standards for lighting in § 63.116 Exterior Lighting and § 63.318 Lighting (for parking facilities) and in § 66.300 Traditional Neighborhood Districts.

§ 63.116 Exterior Lighting of the zoning code addresses standards for exterior lighting. Standard (a) applies.

(a) *All outdoor lighting in all use districts, including off-street parking facilities, shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three (3) footcandles measured at the residence district boundary.* This standard is met. The light fixture will be shielded to reduce glare and face downward. The light will not exceed three (3) footcandles measured at the residence district boundary.

§ 63.318 sets the standard for lighting in parking facilities. It requires that parking facilities be illuminated to a level to allow safe, secure access to the parking facility and within it, and states that all lighting shall conform to § 63.116.

§ 66.343 Traditional neighborhood district design standards, Standard (20) Parking lot lighting states that pedestrian-scale lighting shall be provided in parking areas. Light standards shall be not more than 25 feet in height in parking lots and 16 feet in height along interior sidewalks and walkways, and have a downcast glow. This standard is met. The light fixture is 21.3 feet tall, is located in the parking area and has a downcast glow. However, it is not necessary to meet this standard because the light fixture is located in a B3 district, not a T district.

#### **Solar Energy System**

§ 65.921 Solar energy system, addresses standards and conditions that solar energy systems must meet. Standard, (b) applies.

(b) *Freestanding systems shall be treated as accessory buildings for the purpose of*

maximum height, maximum lot area coverage, and location requirements; provided that freestanding systems in residential districts shall not exceed 15 feet in height within 10 feet of a parkway or an interior property line, except for a property line along an alley, with additional height equal to additional setback from property lines permitted to a maximum height of twenty-five (25) feet. This standard is met. The solar energy system attached to the light fixture pole is located in a B3 business district. The height limitation on accessory buildings for the B3 business district is 30 feet (§ 66.431 Density and dimensional standards table for business districts). The light fixture assembly will be 21.3 feet in height.

#### **Wind Turbine**

Antennas permitted in the B3 general business district share some characteristics with a hybrid street lamp: both may be mounted on a freestanding pole. §63.121 permits accessory antennas in all districts, including a television receiving satellite dish 3 meters or less in diameter and short-wave radio antennas, to extend up to 15 feet above the normal height restriction for the district (e.g., 15 feet above the 30 foot height limit in the B3 district). While antennas are static objects and do not create sound, by their nature wind turbines have dynamic, moving elements. Other uses permitted in the B3 district include outdoor elements that move or create sound. Outdoor compressors and chillers accessory to a grocery store or restaurant, for example, create sound. Auto service stations and drive-through sales and services permitted in the B3 district often include outdoor elements that move and create sound.

- (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding is met. The minimal traffic generated by a hybrid light fixture is substantially less than most uses permitted in the B3 district.
- (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is met. "Hybrid (wind/solar powered) light fixture" is not specifically listed as a permitted use in any zoning district.
- (d) *That the use is consistent with the comprehensive plan.* This finding is made. While the Saint Paul Comprehensive Plan does not contain any policies specifically related to hybrid light fixtures, the use is consistent with broad policies in the comprehensive plan for energy conservation and sustainable use of renewable energy resources. The proposed hybrid light fixture is consistent with the intent and purpose of the zoning code "to implement the policies of the comprehensive plan," including the purpose specifically stated in § 60.103(k) of the zoning code "to promote the conservation of energy and the utilization of renewable energy resources."

4. Because vertical wind turbines share some characteristics with cellular telephone antennas, it may be useful to consider the standards for cellular telephone antennas in the B3 district. §65.310 provides for cellular telephone antennas in the B3 general business district as permitted uses if they are building-mounted and as conditional uses if they are freestanding. The standards and conditions listed in § 65.310 for cellular telephone antennas in the B3 general business district that might also be applicable to the proposed light fixture, and the consistency of the proposed light fixture with them, are as follows:

(d) *In . . . business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*

- (1) *The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas. The proposed 21.3 foot tall wind turbine on a free-standing pole with light fixture is consistent with this standard.*

- (2) *Antennas shall not be located in a required front or side yard and shall be set back one*

(1) times the height of the antenna plus ten (10) feet from the nearest residential structure. The hybrid light fixture is located in a B3 district, which does not require a side yard setback. The location of the proposed 21.3 foot tall light fixture assembly is more than 100 feet from the nearest residential property, and farther from the nearest residential structure, consistent with this standard.

(3) The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. The proposed hybrid light fixture would have a non-reflective subdued finish to blend into the surrounding environment as much as possible. It would also be located to reduce visual impact.

(4) In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area. The lot is within a large contiguous area of B3 and industrial zoning consistent with this standard.

(g) Freestanding poles shall be a monopole design. The proposed freestanding pole is a monopole design consistent with this standard.

(h) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate. The applicant states that all electrical equipment related to the light fixture will be located entirely within the light fixture assembly.

5. § 65.310 provides for cellular telephone antennas on a freestanding pole in the B3 district as a conditional use. Because the proposed hybrid light fixture, which is on a freestanding pole, shares some characteristics with a cellular telephone antenna on a freestanding pole, it may be useful to review the proposed light fixture for conformance with the general standards in §61.501 that apply to approval of conditional use permits:

(a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. The light fixture is consistent with this standard as stated in Finding 3(d).

(b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. The light fixture is consistent with this standard.

(c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. The use is consistent with this standard. In a 2007 test by McMaster University in Canada, researchers found that sound from vertical axis wind turbines does not exceed 20 dB(A). The city's noise standard for commercial districts is 70 dB(A) and 65 or 55 dB(A) for residential districts. For reference, light auto traffic at 100 feet is 50 dB(A), a heavy truck is 90 dB(A). A garbage disposal indoors from 2 feet away is 80 dB(A). The applicant states that staff from Braun Intertec told him the larger 1.5 kW and 3 kW vertical axis wind turbines at 1010 N. Dale don't make enough noise to be heard over the ambient traffic noise from Dale Street. Noise generated by an even larger 10kW horizontal axis wind turbine on the Macalester College campus was unable to be measured because it was masked by ambient noise from Snelling Avenue a block away. There have been no complaints about noise from any of these existing wind turbines.

(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed light fixture is consistent with this standard.

(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The proposed light fixture is consistent with this standard.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the determination of similar use for a vertical wind turbine with hybrid light fixture (wind and solar powered) subject to the following condition:

1. The total height of the assembly shall conform to the maximum height standard for the district, and the base of the moving elements of the wind turbine assembly shall be at least 15 feet above grade.
2. The wind turbine portion of the assembly shall not exceed one (1) Kilowatt, five (5) feet in height and four (4) feet in diameter.
3. The solar panel portion of the assembly shall not exceed twelve (12) square feet.
4. When the hybrid light fixture ceases to function, it will be removed or replaced within 30 days.

ZONED K4

CURB & GUTTER

R/W

150.00

OWNERS  
ANTHONY & LISA  
MAGNOTTA

OWNERS  
ANTHONY & LISA  
MAGNOTTA

(NOTES  
ALL BUSINESSES  
ZONED B3)

RETAINING WALL  
STEPS

PARKING  
LOT  
GRAVEL

RETAINING WALL  
PROPERTY LINE 10'

HYBRID STREET

LIGHT

EXISTING TURBINE

RAMP

EXISTING TURBINES

RAMP DOWN

SIDE SLOPE

R/W

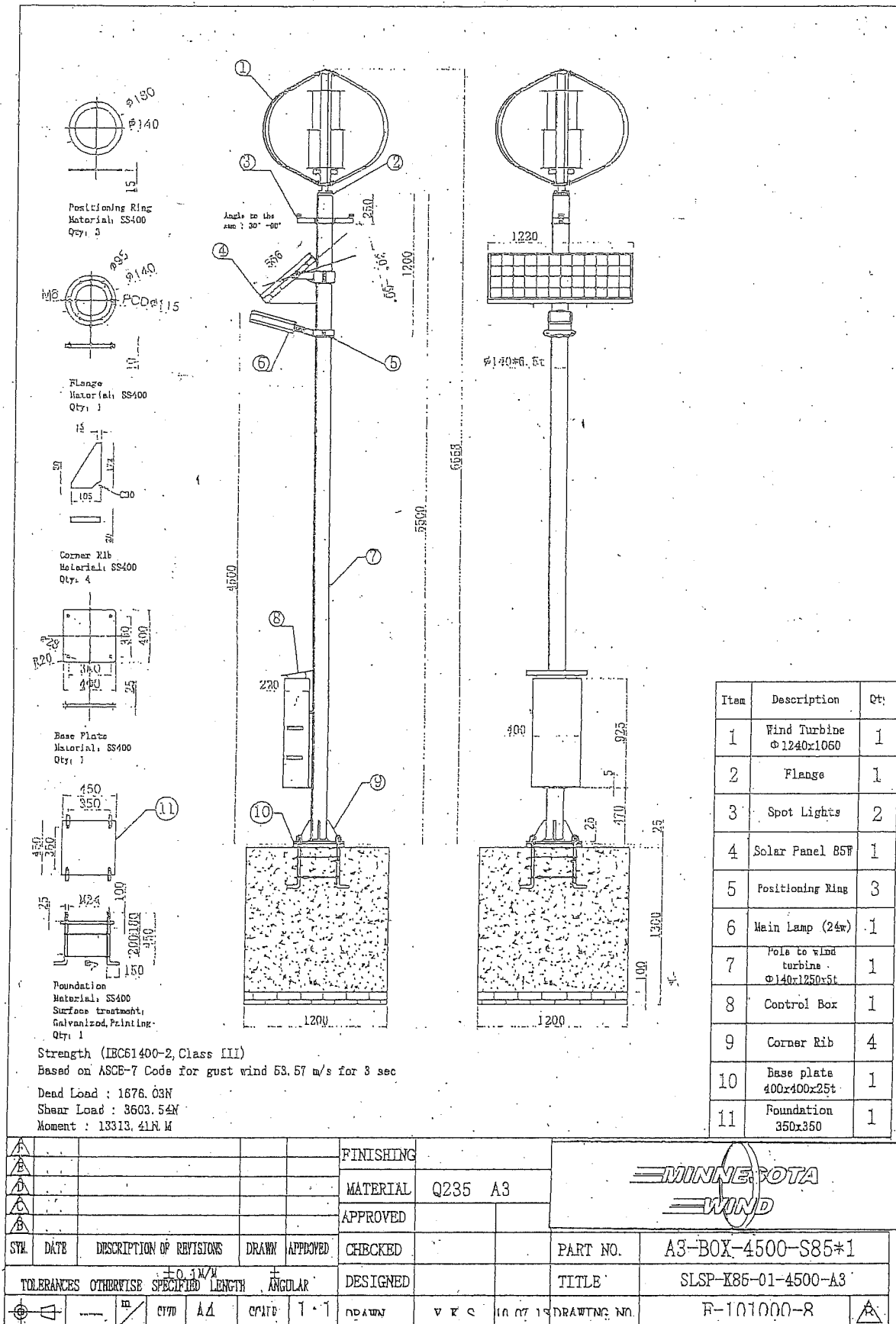
ALLEY

ZONED RM2  
\* 1 INCH = 20 FT

TONY MAGNOTTA 1/3/13

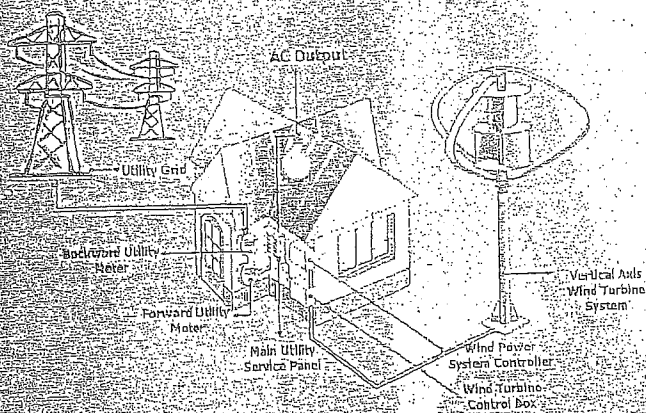
ALLEY



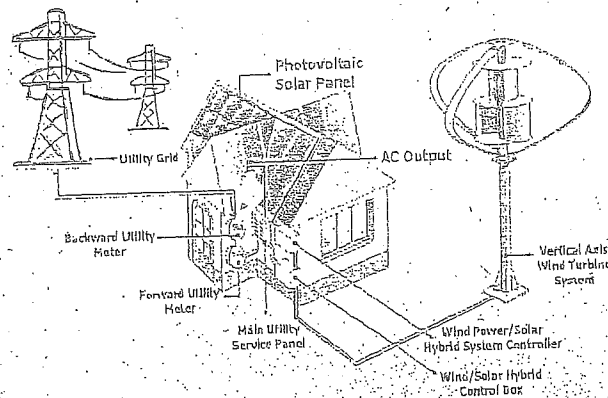


# Different Application Match Your Requirements

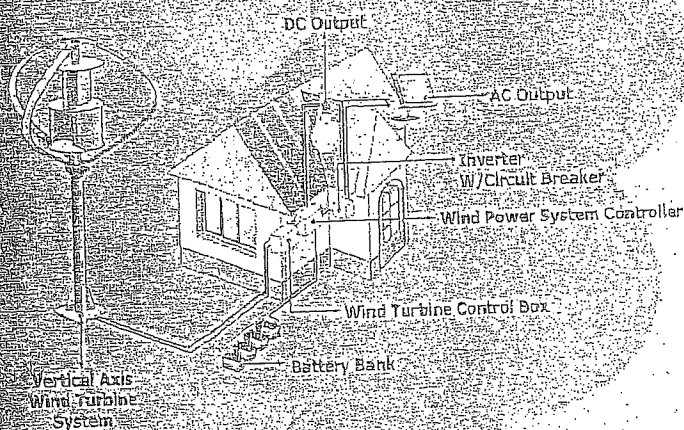
## Grid-Tied Application Illustration



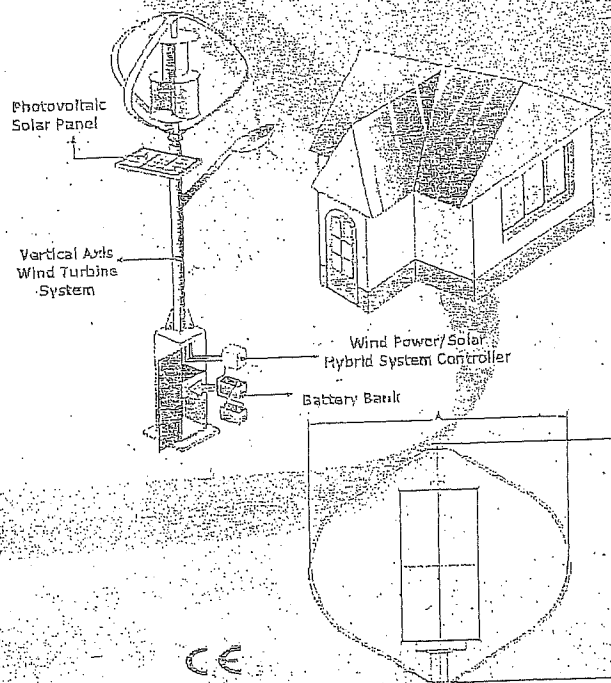
## Hybrid Grid-Tied Application Illustration



## Stand-Alone Application Illustration



## Hybrid Street Lamp Application



## Commercial Products

- (1) Stand alone for remote area: 300W, 700W, 1.5KW, 3KW
- (2) Grid connected system: 1.5KW, 3KW
- (3) 5KW & 10KW are under developing

## General Product Specifications

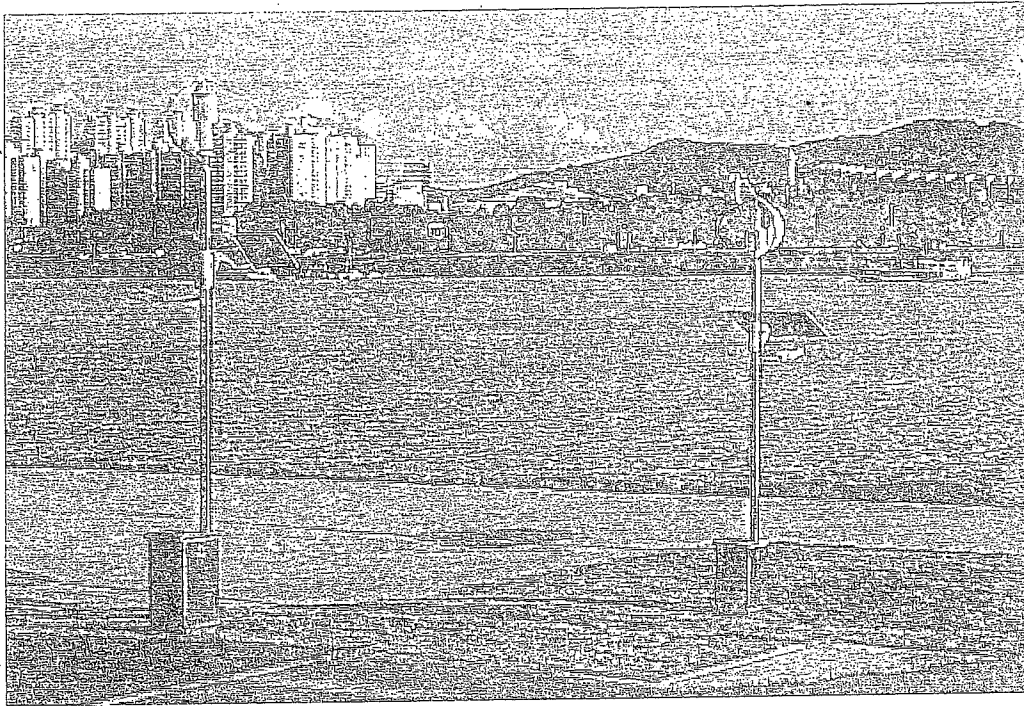
Product		300W	700W	5KW	10KW
Size (ft)	A	1.24	1.93	2.8	4.0
	B	1.00	1.56	3.2	4.5
Cut in Wind speed		< 3 m/s		15 m/s	
Rated Wind speed		12 m/s ~ 13.5 m/s		60 m/s	
				Survival Wind speed	

MINNESOTA WIND TECHNOLOGY

1010 Dale Street North, Saint Paul, MN 55117

Phone: 651-341-1564

www.mnwind.us



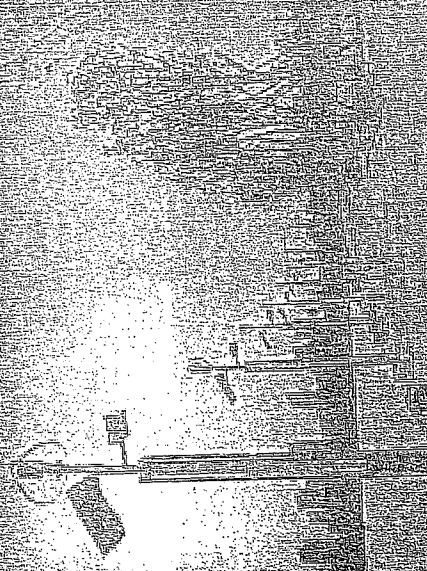
## Hybrid Street Lighting Systems

Our standard hybrid street lighting system is integrated with DS-300W Vertical Axis Wind Turbine and 85W Solar Panel together with modern design of lamp pole. The design concept is to provide an independent (off-grid), self-sufficient lighting application or other usages if applicable.

The controller of the hybrid street lighting system is integrated with wind power controller (WG0400) and solar power charger (RC10-II), both are paralleled for battery bank (12V/24V) charging. The battery bank provides load of a power-saving 24W LED Lamp.





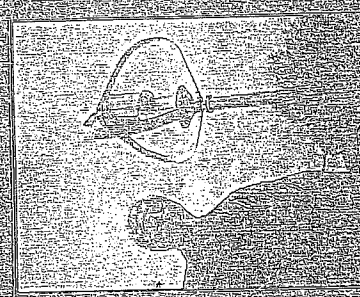


### Feature

The hybrid street light combines the VAWT wind turbine and solar panel. These collect power from wind and sun light for lighting up the LED in the night time. This also makes it so the street light is completely green and does not need pipeline construction from city power. The benefits are not only zero CO2 emissions but also saving the installation time and costs. It shows the ECO SKYLINE for a modernized city.

### Specification

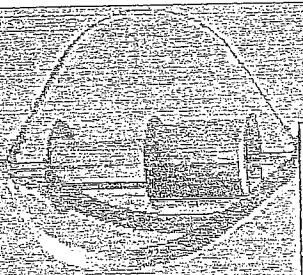
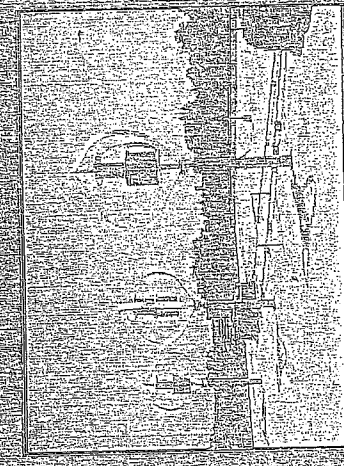
- Wind power: 300W VASWT (DS300)
- Solar power: 120W silicon mono crystalline
- Street lamp: 30W high bright LED
- Decoration light: 12W LED colorful
- Spot light: 1W LED x2 to light wind rotor
- Charger: 400W MPPT charger+200W PV charger
- Battery: 12V 46Ah x4 deep-cycle silicon gel battery
- Pole: 5.4m assemble stainless/galvanized
- Lamp height: 4.5m
- Height: 6.5m



Our CEO Tony Magnotta seen above at our headquarters in St. Paul, MN at the first VAWT Urban Wind Fair in America.

Product	300W	700W	150W	30W
A	1.24	1.93	2.8	4.0
B	1.00	1.56	1.2	4.5
Cut-in Wind speed	<3 m/s			15 m/s
Rated Wind speed	12 m/s ~ 13.5 m/s			60 m/s
Cut-out Wind speed				
Survival Wind speed				

"Wind That Creates Customers"




<b>MNWT-BC300</b>	400 watts
Output Voltage	12,24 volts
Output Current	20 amps
Cut-In Wind Speed	6.7 mph
Rated Wind Speed	34 mph
Diameter	3.7 ft
Height	4.8 ft

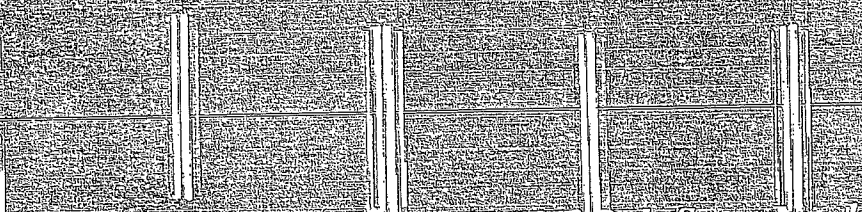
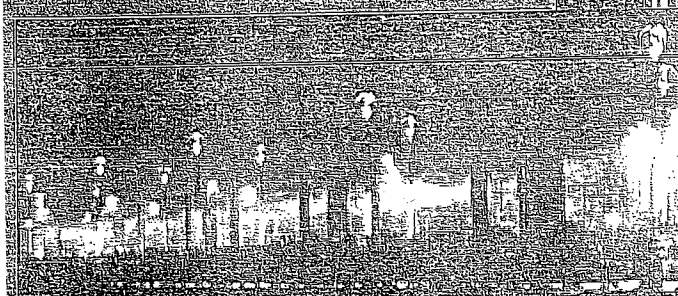
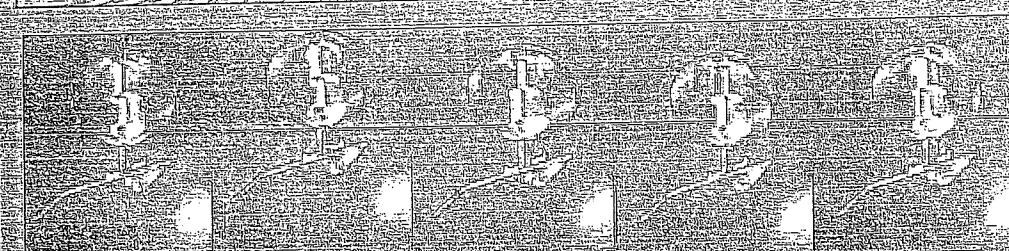
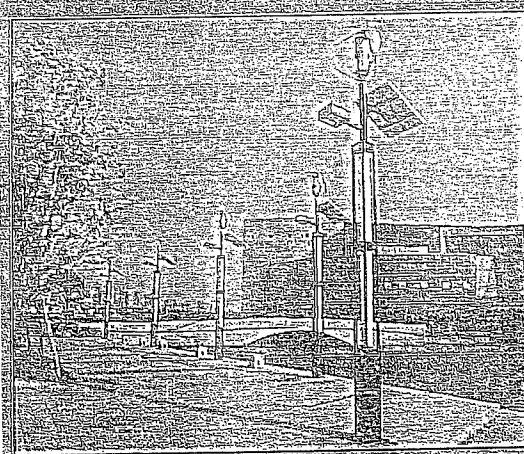
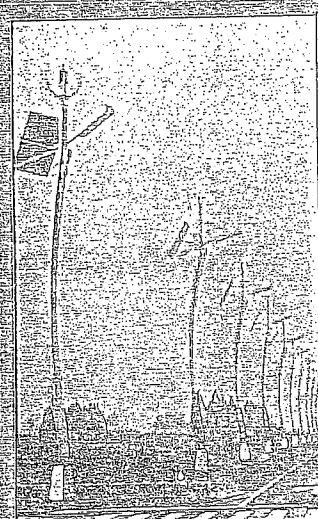
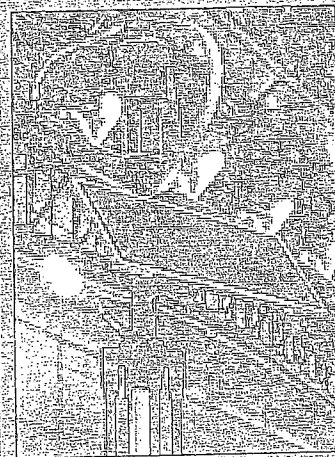
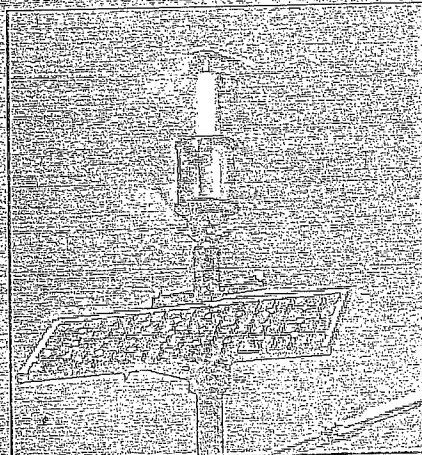
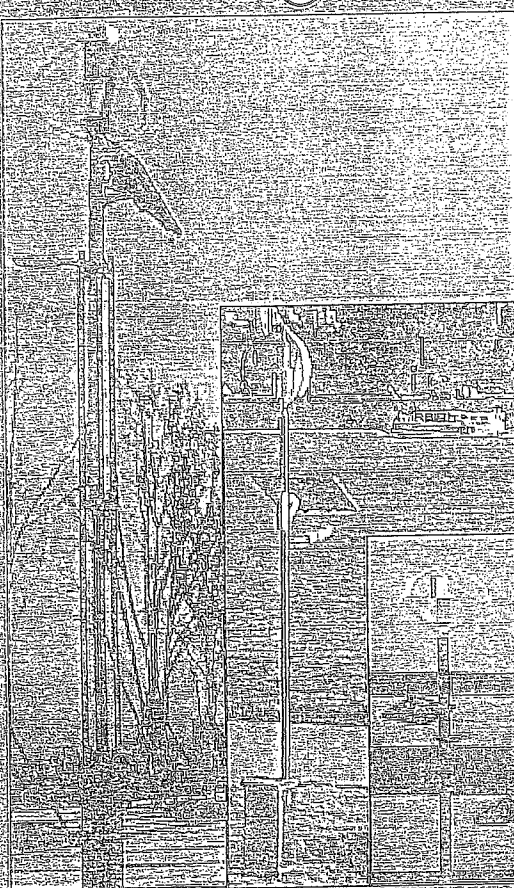
<b>MNWT-1500</b>	1.5 kW
Output Voltage	48 volts
Output Current	60 amps
Cut-In Wind Speed	5.5 mph
Rated Wind Speed	26 mph
Diameter	9.2 ft
Height	9.8 ft

<b>MNWT-3000</b>	3.0 kW
Output Voltage	48 volts
Output Current	130 amps
Cut-In Wind Speed	5.5 mph
Rated Wind Speed	33 mph
Diameter	13.1 ft
Height	18.4 ft

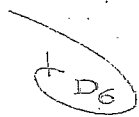




# Hybrid Street Lighting System



1010 Dale Street North  
Saint Paul, MN 55117  
(651) 341-1564  
[www.mnwind.us](http://www.mnwind.us)



District 6 Planning Council

171 Front Avenue  
Saint Paul, MN 55117  
651-488-4485 fax: 651-488-0343  
district6ed@dist6pc.org

January 23, 2013

Zoning Committee of the Planning Commission  
15 West Kellogg BLVD  
Saint Paul, MN 55102

Re: 1000-1010 Dale Street Capital Lien-Extension of Determination of Similar Use for Vertical Wind Turbines/Determination of similar use for vertical wind turbine with a hybrid street light powered by wind and solar

On April 28, 2011 a letter was sent to the Zoning Committee indicating District 6 Planning Council's support for a determination of similar use for vertical wind turbines. At its January 22, 2013 Land Use Task Force meeting the extension on the determination of similar use for vertical wind turbines received a recommendation for approval.

The Land Use Task Force also recommends approval of a determination of similar use for a vertical wind turbine street light powered by wind and solar. The Task Force discussed the new application and concluded that there should be limited impact to the neighborhood since there have been no complaints regarding existing wind turbines and alternative energy sources are welcome. This approval is contingent that the applicants fulfill all application requirements.

Thank-you for your consideration and if you have questions please contact the office.

Regards,

*Jeff Martens*

Jeff Martens  
Land Use Chairman

Cc: Ward 5  
Tony Magnotte

An Affirmative Equal Opportunity Employer

Reilly, Kate (CI-StPaul)

---

**From:** Mark Lentsch <marklentschrealty@gmail.com>  
**Sent:** Wednesday, March 06, 2013 10:12 AM  
**To:** Reilly, Kate (CI-StPaul)  
**Subject:** Wind Turbines addition - Dale St property #13-149-246 & 13-149-241

My office is right next door and I object. What happened to having to get approval from your "Arm's length" neighbors?

There are more than enough of the "Whirly Bird's" next door. My clients chuckle and say how silly they look....have heard comments...."only the city would allow this".

>>>where does this end? What is next....their own "whirly bird" trash compactor, "whirly bird" door openers, etc....Come on,...enough is enough. If every building in St Paul had these....we would be the "laughing stock" of the nation.

Remember when we were all concerned with "TV style" electronic billboards, and those were then regulated....i think these wind turbines could be a safety / distraction hazard for drivers turning their heads to look at the wind turbines spin....or younger kids climbing up on them sometime. What about some kind of hazard energy thrown off if you are in close proximity, have there been tests for that?

Thank you,

Mark Lentsch - 651-335-5464 - lifetime St Paul resident  
[marklentschrealty@gmail.com](mailto:marklentschrealty@gmail.com)

\*\*\*I am unable to attend March 14th at the proposed time.



APPLICANT Capitol Lien (ETAL)  
 PURPOSE DSU  
 FILE # 13-149241 DATE 1/31/13  
 PLNG. DIST 6 Land Use Map # 12  
 Zoning Map # 9  
 SCALE 1" = 400'

LEGEND

zoning district boundary

subject property

one family  
 two family  
 multiple family

commercial  
 industrial  
 vacant



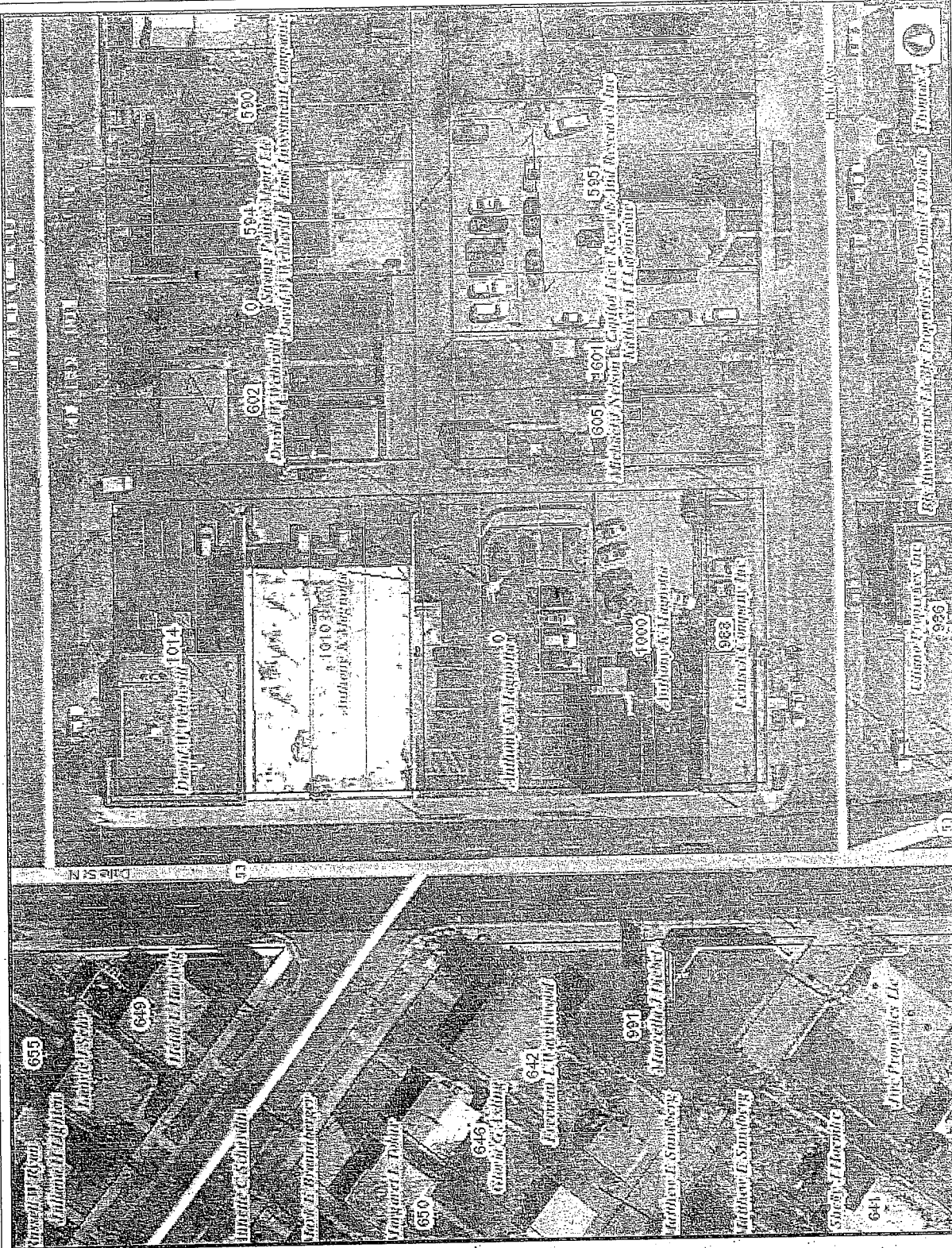


## Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels
- Primary Owner
- Parcel Lines and Land Ties
- Parcel Lines
- Land Ties

## Notes

Enter Map Description



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

126.9 63.43 126.9 Feet  
NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division